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*Memorandum*

**Commodore John Barry**

**Father of the American Navy**

*John Barry*

ORATION  
BY  
FRANK J. SULLIVAN

San Francisco, 1908





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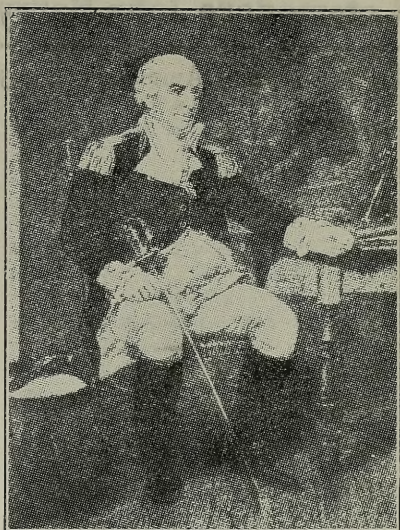
**Father of the American Navy**

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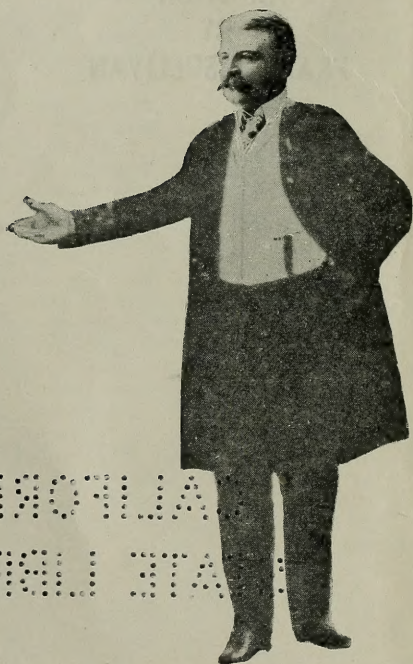
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**San Francisco, 1908**



COMMODORE JOHN BARRY  
Father of the American Navy.



FRANK J. SULLIVAN.



# Commodore John Barry

## Father of the American Navy

(From the S. F. Leader of May 30-June 6.)

The celebration in honor of Commodore Barry, the Father of the American Navy, held at Sacred Heart Hall Monday evening last, was a success far in excess of the fondest anticipations of its promoters. The large hall was thronged to the doors with a patriotic and enthusiastic assemblage. Every number of the well arranged program was heartily received, and encores were frequent.

The oration of the Hon. Frank J. Sullivan was a masterpiece. By incontrovertible proofs Mr. Sullivan showed the right of Commodore John Barry to the title of Father of the American Navy, and scathingly denounced the contemptible bigotry which would deprive the gallant Irish naval hero of justly deserved honors.

Mr. Sullivan's oration, which is herewith reproduced in its entirety, is well worth perusing. We commend it to all our readers for its thorough, unbiased, reliable and powerful treatment of one of the most interesting phases of American history.

Mr. Sullivan said:

Mr. Chairman, Brothers and Sisters of the Gael: I am proud to say it, ladies and gentlemen (applause), I feel at home in this presence. After the kind words of Father McQuaide it was impossible, or would be impossible, for me to feel otherwise. Besides I lived in this parish for many years. The homestead of my family is only two blocks away. Why should I not come at the call of the Celtic Union or at the call of Father McQuaide to do something which my heart tells me it is my duty to do. I will say that it is my love and desire at all times to say something in behalf of the Irish people. (Applause.)

I wish Mr. Caniffe and all the gentlemen here to take out their watches and see that I do not exceed an hour or

two. You recall the minister who made a long, very long address. I hope that I will not offend the Church, especially in the presence of Father McQuaide, who I am told was on the firing line in the Philippines and served under the starry flag on which I place my hands now. After talking two hours and a half to an unfortunate audience, he was asked: "How do you feel?" He replied: "I feel very well; I am very fresh." But, oh, just think of the audience. (Applause.) Now that is just the position that I assume here tonight. I know it is a little late, but I ask of you all to bear with me while I speak upon a subject which is dear to your hearts as well as to mine.

### **Celtic Union.**

The Celtic Union of this city deserves great praise. Besides praise, it has earned your warm support by its earnest efforts to promote the glory of the Irish race. May it succeed in its efforts to build a hall where the name and fame of the great men of the Gael will be kept green in our memories! The present occasion gives point to the necessity of a union of the Celtic race to do what Wendell Phillips said Parnell did with John Bull, namely, "make him stop and listen to the truth."

### **Praise of Heroes.**

We meet to celebrate the glorious services of one of the heroes of the Revolution. No other time could be more appropriate. It is almost the anniversary of one of his great naval battles. It is the spring time of the year. It is the resurrection of nature. At this time the trees put forth their new leaves, the flowers begin to bloom, the grass on the hillside is green, the sky has a soft blue color. In the field the yellow emblem of California spreads its bright colors, mingling its hues with those of the marigolds and pansy and violet and wild rose. It is the lovely California springtime which charmed the Franciscan missionaries, brought forth the praises of Bayard Taylor, and won the hearts of the pioneers of '49. The springtime of this year 1908 will never be forgotten by us, because it was then we welcomed Admiral Evans and his sixteen battle-ships. They came to us after a cruise



of over 14,000 miles, not as a threat to our neighbors, but as a message of peace to them and to all the world. Can any one forget the sensation experienced at the first sight of these warships? Standing on the high hills of the Presidio, near the narrow entrance of the San Francisco Bay, and not far from the place where the Franciscan monks planted the cross, one could see through the mist, which seemed for a time to hang over the Golden Gate, thin black columns of smoke. As the hour passed the form of the warships in the offing became visible to the naked eye.

A shout went up from thousands of spectators, gathered on both sides of the entrance to the Golden Gate. On and on the warships came. Their forms became clearer, until at last the white navy of the Atlantic fleet had entered the outer San Francisco Bay. It looked so white and pure to our imaginations that no one could have said that in action it meant destruction to the works of men.

### **Welcome to the Fleet.**

As the flagship *Connecticut* passed through the narrow entrance of the Golden Gate 21 guns saluted her. This was San Francisco's welcome to the men behind the guns, and to the men in command, and to Admiral Evans himself. If Evans could have given voice to his ideas, so as to be understood by all the multitudes gathered on the hills of San Francisco, he might well have said: "I greet you, San Francisco—you look so fair and young. Neither earthquake, nor fire, nor strikes, nor official corruption could destroy you. Above the fears of death you show the glories of a resurrection." To this sentiment the great Pacific Ocean said, "Amen."

To this the great Sierras seemed to nod "Amen." To this the soft skies bending over the city and bay breathed "Amen."

### **Memorial Day.**

To typify this idea of the resurrection of heroism and honor we have a Memorial Day. What could be a more beautiful thought than the commemoration of dead heroes in the spring time. The memory of past glory fades away. It is well to keep it fresh in

our minds by the yearly offerings of the fragrant flowers of spring. 'Tis true they are typical of mortality. Everything that is mortal passes into nothingness. Names familiar to us in our youth are only remembered when we walk through burial grounds, "and the names we used to hear have been carved for many a year on the tomb." The strong man in old age leans on the child. He dies and his name and fame soon pass into oblivion. Even greatness of mind or heart is forgotten unless the memory of great deeds is kept green. For this reason in Judea there was a religious ceremony. In the Christian Church the glories of the saints and of the dead who died in the Lord have special days for remembrance. In Greece the bravery of heroes was celebrated with pomp and splendor and their virtues were commemorated in song and in oration.

Years have passed and yet the words of the Greek Pericles still ring in our ears. The world, he said, is the sepulcher of great men. Their fame is not written on brass or stone, but in the hearts of all men. Men of deeds and of valor, should have a commemoration of those deeds, so that future generations can admire proofs of greatness and evidence of power. Men, too, must be preferred for merit only. Hence no Homer was necessary to praise them, because the truths shown by the facts themselves would suffice either to elevate or to lower the men praised. **The power of the hero arose from his boldness in following the path of duty.** I leave it to you to say whether these words are true of John Barry, the Father of the American Navy. Has he been the theme of song and oration on Memorial Day? Is the American told that under a tomb in St. Mary's Church yard in Philadelphia lie the mortal remains of an Irish naval officer, the Father of the American Navy, who not only fought, but bled for the cause of American independence? If he has not been remembered, what is the reason?

### **Bigoted Histories.**

I have had occasion during the last few days to consult a number of histories, so-called, upon the Revolutionary time, and I am pained to say that I observed a peculiar silence in reference

to the Irish naval hero, John Barry. How many here in California know why a gunboat was called "Barry" or another "O'Brien"? Or if any Irish soldiers took part in the War of the Revolution? Or if any act of patriotism is credited to any Irishmen? Very few indeed know the facts, and I regret to say scarcely any outside of the city of San Francisco. This is due, in my judgment, to a conspiracy of silence on the part of the English and their descendants in New England, who monopolize the makeup of books of all kinds. For some reason or another they wish to be looked upon as the only people who had and now have brains and courage and purpose and pertinacity. Certainly if sounding their own praise is any evidence, they must be acknowledged as the greatest of all artists in producing false impressions. Even after they are shown to be in error, they persist. This reminds me of the young lawyer who asked what he must do to be successful. He was told, "Admit nothing, deny everything, and demand proof." I do not know what he was told to do after evidence would be produced, but if he were anything like the Briton or the Puritan, why, of course, it would make no difference.

### **Puritan Hate.**

In speaking of the English, and their descendants, the Puritans, I do not refer to all of them. I refer solely to those who are always coming to the front, assuming patronizing airs, adopting a style of "holier than thou." I distinctly separate from these bigots the democracy of England and New Englanders like the broad-minded Wendell Phillips, Oliver Wendell Holmes, George Frisbie Hoar, and ex-Secretary J. D. Long. Many English people I know to be fair-minded and willing to hear both sides before forming judgment.

The chief offenders against historic proof, so far as the Irish are concerned, besides Macauley and Carlisle in England, are Charles W. Eliot, president of Harvard University; Henry Cabot Lodge, Senator from Massachusetts, and our heroic young friend, Richmond Pearson Hobson of Merrimac fame. In 1896 President Eliot was called to time by Mr. O'Connell of the Bureau of Statistics in Washington for his absolute silence in reference to the Irish in-



fluence in forming American civilization. This learned gentleman wrote in reply these words: "In explanation of my ignorance I shall have to confess that I omitted the Irish because I did not know they were an important element in the population of the Colonies in the eighteenth century. My ignorance about the early Irish immigration is doubtless due to provincialism. The Massachusetts of the eighteenth and seventeenth centuries was the creation of the English Puritan and Independents." This admission of ignorance of a man in his position astonished such journals as the Springfield Republican.

It affords another proof of the assertion that there are none so blind as those who will not see. It shows, too, that the following remark of Voltaire states an absolute truth: "Lie, lie, and some of it will stick." This method of the English has been imitated by the Puritan with success, I am sorry to say.

### **The English Analyzed.**

George Bernard Shaw puts into the mouth of Napoleon a criticism which applies to the English and their Puritan descendants in New England. It is so good that I will give it:

"No Englishman is too low to have scruples; no Englishman free from tyranny. But every Englishman is born with a certain miraculous power that makes him master of the world. When he wants a thing, he never tells himself that he wants it. He waits patiently until there comes into his mind, no one knows how, a burning conviction that it is his moral and religious duty to conquer those who have got the thing he wants. Then he becomes irresistible. Like the aristocrat, he does what pleases him and grabs what he wants; like the shop-keeper, he pursues his purpose with the industry and steadfastness that come from strong religious conviction and deep sense of moral responsibility. He is never at a loss for an effective moral attitude. As the great champion of freedom and national independence, he conquers and annexes half the world and calls it colonization. When he wants a new market for his adulterated Manchester goods, he sends a missionary to teach the native the gospel of peace. The na-

tives kill the missionary; he flies to arms in defense of Christianity; fights for it; conquers for it, and takes the market as a reward from heaven. In defense of his island shores, he puts a chaplain on board his ship; nails a flag with a cross on it to his topgallant mast and sails to the ends of the earth, sinking, burning and destroying all who dispute the empire of the seas with him. He boasts that a slave is free the moment his foot touches British soil, and he sells the children of his poor at 6 years of age to work under the lash in his factories for 16 hours a day; he makes two revolutions, and then declares war on our one in the name of law and order. **There is nothing so bad or so good that you will not find Englishmen doing it; but you will never find an Englishman in the wrong.** He does everything on principle. He fights you on patriotic principles; he robs you on business principles; he enslaves you on imperial principles; he bullies you on manly principles; he supports his King on loyal principles, and cuts off his King's head on republican principles. His watchword is always duty, and he never forgets that the nation which lets its duty get on the opposite side to its interest is lost."

Apply this to Eliot, Lodge and company. The shoe fits.

How could a New Englander be ignorant of John and James Sullivan, of Generals Stark and Knox. James Sullivan was an eminent lawyer, a Judge and a Governor of Massachusetts. His brother was General John Sullivan. James Sullivan is buried in the "Granary" church yard among the elect of New England on Tremont street in the city of Boston, a spot where Mr. Eliot passes daily. Yet the Puritan was so afraid of the name of Sullivan that the picture of that Governor was removed and hidden in the lumber room with old rubbish. This year it was found and restored to its rightful place. There it hangs as a mute argument against Eliot, Lodge and company. Then, too, there was Langdon of Vermont, who pledged his fortune for the cause. Stark and Knox were heroes of the war of 1776. The muster rolls of the men at Lexington and at Bunker Hill show quantities of Irish names, such as Ebenezer and Eben Sul-

livan, Patrick Doyle and many Murphys.

Froude tells us that the name Bunker Hill is Irish. The number of Irishmen who signed the Declaration of Independence was twelve: Their names are: John Hancock, William Whipple, Robert Treat Paine, Charles Carroll of Carrollton, Edward Rutledge, Matthew Thornton, Thomas McKean, George Reed, George Taylor, Thomas Lynch, James Smith and Thomas Nelson. Did Mr. Eliot hear of Charles Carroll of Carrollton, the richest man in the Colonies?

The generals of Irish blood in whom Washington confided were: Generals John Sullivan, Moylan, Anthony Wayne, William Maxwell, Count Arthur Dillon of the Irish Brigade, General Pierce Butler, General Edward Hand, General G. Rutherford, General John Stark, General Enoch Parr, General Irvine, General Wm. Knox, General Pickens and General Morgan, the rifleman. He must have known that the Irish heroes of the navy were Commodore John Barry, Commodore Charles Stewart, Jeremiah O'Brien of Machias, Captain Burke, Captain J. Murphy, Captain James McGee, Captain Benjamin Drum, Captain J. Simmons and Captain McNeil. Then there were the Irish Clintons of New York and the Irish Robert Fulton, the inventor.

The most charitable criticism of Eliot is that expressed by a tourist after seeing Rome as she is today: "She must have been a fine city, but I fear she has seen her best days." So, I say, President Eliot has seen his best days. Requiescat in pace.

As to Henry Cabot Lodge, it will suffice to state that his prejudices are so violent that he cannot be expected to reason correctly or to state facts accurately where the Irish are concerned, especially where he encounters any opposition to Anglo-Saxon ideals. He has written many books, but all to one purpose, to uphold the Puritan tradition that the Puritan alone should rule and that his side is always the right side.

Lodge imitates his ancestors, but with this difference: **He is the slave of his bigotry;** but his forbears made negroes slaves and then sold them to the South, and this slavery made that fortune which Lodge is enjoying to-day.



Some one asked, "What brought the Puritans to America"? The answer was to worship God in their own way, and to define liberty as the right to make every one do **as they pleased**. Hence, they fell, we are told, on their own knees, and on the Indians at the same time. It has always seemed to me that the weak spot in Theodore Roosevelt, our respected President, is his partiality for Lodge. How can Roosevelt be liberal in heart when he has a close friend in Lodge? "Birds of a feather flock together." "Tell me who your friends are and I will tell you who you are," are as true today as when first uttered. They might be studied to advantage by President Roosevelt. Yet the President accepted an invitation of the Friendly Sons of St. Patrick in New York, and on March 17, 1905, made a thrilling speech, which is really an answer to Eliot, in which he said: "By the time the Revolution had broken out the men of different race strains had begun to pull together, and the Irish, among other strains, furnished their full share of the leadership in the struggle. Among their number was Commodore John Barry, one of the two or three officers to whom our infant navy owed most. I had the honor at the last session of Congress to suggest that a monument to Barry should be erected in Washington.

"On land there were of this strain famous generals like Montgomery, or like Sullivan, who came of a New Hampshire family which furnished the **Governors to three New England States**. In her old age the mother, Mrs. Sullivan, used to say that she 'had known what it was to work hard in the fields carrying in her arms the Governor of Massachusetts with the Governors of New Hampshire and Vermont tagging at her skirts.' "

### Hobson's Pettiness.

I come now to Richard Pearson Hobson. Captain Hobson I met personally, and I believe him to be a courteous, well meaning man. I am told he is a heroic man, and his action in sinking the Merrimac goes to prove it. But is he a great man? I fear not. The first quality of a great man is to give credit to others. Any one can be a sneak and damn with faint praise, any one can criticise, but few are great

enough to give credit where credit is due. Now, if Hobson were great and not jealous, he would have praised the Irish captain of the Revolution, who was the hero of a more daring act than Hobson's, because he faced death in broad daylight, captured an English war vessel and 130 men and thus gave an example to Hobson and other heroes to do as he did and die, if necessary, for the country. But Hobson failed in the test of greatness when he had the opportunity. In his address on "The Navy" on Flag Day at the Buffalo Pan-American Exposition, in 1901, he said (we quote his own words): "Looking over the range of our naval history we see a long line of 21 majestic figures, whose very names are an inspiration, whose names history has, with her bright and luminous pencil, inscribed upon the glorious scroll." He cited 21 naval heroes, yet in those 21 names he did not give that of Commodore John Barry, the very Father of the American Navy, who not only fought, but bled for the American cause, who was the friend of George Washington, of Robert Morris and of John Adams and of all the patriots of the Revolutionary War. Can Hobson claim to be fair and then explain this omission? He is a man of education. He is a graduate of Annapolis. He finished his studies on the continent. He is a native of Alabama, and should not have the prejudices of the Puritans. In his daring attempt to close up the harbor of Santiago, who were among his seven companions? Why, men of Irish names. Why were they selected? Because they were bold and fearless and had an utter contempt for death. Yet that daring deed was done at night and against a weak adversary, and is not to be compared to John Barry's capture of the English war vessel. I cannot excuse Hobson. He ignored the great Irish hero. Why? Had he perchance a religious and race prejudice? I hope not. Or perhaps he feared that Barry's exploit might be commented on too highly and placed in the limelight, which might belittle his own act of daring. If not, let him explain. Yet this hero of the Merrimac comes from the sunny South—the land of lovely women and brave men; the land of Theodore O'Hara, whose poetry adorns tablets on fields of death wherever

brave men fall; the land which claims the Catholic poet priest, Abram Ryan, as its favorite; the land which glories in the "Maryland" of the Catholic Randall; the land for which thousands of Irish Catholics shed their blood freely in a lost cause; the land of General Patrick Cleburne and of too many brave spirits to be mentioned here, the land too sanctified by the glorious Irish eloquence of the brilliant orator, Henry W. Grady. Yet Richmond Pearson Hobson, with such lights to guide him, and thinking perchance that Young Men's Christian Associations and Chautauqua assemblies alone had the ear of the great American public, deliberately, and I fear jealously, ignored the greater hero of a greater scene than was enacted at Santiago harbor. Stand up, Richmond Hobson, and explain, if you can, this insult to the memory of a man in every way your superior.

### **Star-Spangled Banner.**

Hobson, without desiring it, emulates those patriots who would strike from the "Star Spangled Banner" of Key these lines:

"And where is that band who so  
vauntingly swore  
Mid the havoc of war and the bat-  
tle's confusion,  
A home and a country they'd leave  
us no more?  
Their blood has washed out their foul  
footsteps' pollution,  
No refuge could save the hireling and  
slave  
From the terror of flight or the  
gloom of the grave.  
And the Star Spangled Banner in tri-  
umph shall wave  
O'er the land of the free and the  
home of the brave."

Thanks to James Lick, of German origin, we have at Golden Gate Park a fine monument to the author, Francis Scott Key. On that monument those lines appear. It is a curious fact that the fort over which the Star Spangled Banner continued to float at the time Scott Key wrote these words was named in honor of James McHenry, an Irishman and a patriot.

I say there is yet hope for Hobson. Hobson hates the English. He points out in the articles written in the "Cos-



mopolitan'' that England's perfidy will force the war between the United States and Japan, and, thank God, if it does come, the English then will have somebody to fight that will make them understand that they cannot master the entire world.

### **War With Japan.**

The war with the Japanese is inevitable. I care not what Congress says in reference to the matter. I care not if our Senator Perkins was not man enough or brave enough to vote for the four battleships, as he should have done.

My friend, Senator Perkins, charming as he is, evidently never read these words of George Washington: "If we desire to avoid insult we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our prosperity, it must be known that we are at all times ready for war." Does the Senator forget Chile, and lately Japan, and, in the days of the Civil War, John Bull? Does he also forget that our only friend then was Russia? I hope not. To refresh his memory, let him read Blaine's "Twenty Years in Congress." He will find crafty John Bull was always the same towards the United States.

With Japan war is inevitable and must come, and then England and Japan will be met and conquered by the United States.

And I say to you tonight that brave a man as Hobson is, and I purposely make use of that term brave and will linger on it, he should recognize that in the conflict with England and Japan the United States must not only rely on her own brave sons, but also on the people of that Green Isle who have never been conquered except by kindness and courtesy and benevolence of heart. I do not think you want to get rid of me so quickly, do you? I don't think you want to take out your watches. (Applause; cries of "No, go ahead.")

### **Irish Teachers of the Ignorant English.**

Now then, why is it that the English slight the Irish and why do they follow the Irish throughout the world, trying to ignore Irish heroes like John Barry? It is this. The Irish in the past, and I defy any man to contradict

me, civilized the ignorant and dull Saxons, and because they did it the Saxons have never gotten over the fact. (Applause.) I will meet any man on that proposition, and I propose to make it as clear as the light of the noon day sun. The Irish were a civilized nation, a race that was distinguished for learning between the fifth and tenth centuries, and whatever learning, whatever civilization, the Saxon has at the present day comes from the people of the Green Isle. This I don't think even the genial Briton, Professor Henry Morse Stephens of Berkeley, will deny. How can he, and tell the truth?

"Ingratitude is a lively sense of favors received." Whoever said this originally uttered words of wisdom. The return the English made to the Irish was to treat them with the grossest cruelty. No one can read the works of that great authority, Sir Henry Sumner Maine, without realizing that the English and the world are indebted to the Brehon laws of Ireland. Then, too, Kuno Meyer, Zimmer and other German scholars show that Ireland was the teacher of all Europe from the sixth to the tenth centuries. Permit me to say here that the friendly criticism of German scholars has brought the Irish and the Germans together. They will form in these United States a compact of which the English should take notice, because it means death to any American-English-Japanese alliance. So, Johnny Bull, you are at length checkmated! Yet because Ireland was the island of scholars English hate has followed the Irish race wherever it has emigrated. This silence on Commodore Barry is only one of the many signs.

#### Dunraven's Criticism.

But there is a rift in the clouds. No less an authority than the Earl of Dunraven, the Irish Tory landlord, has published a book on the "Outlook in Ireland." The name of this family is Quinn. The ancestor was a drummer boy in the army of Cromwell. He shared in the robbery of the Irish. One of them sold his country while a member of the Irish Parliament and received the title of Earl of Dunraven as the price of his treason. Hence his testimony is of some weight. He says:

“The British public—not enlightened men, of course, but the general public—have, I think, considerable difficulty in realizing the intense pride of the Irish people in their nationality and the justification that exists for it. They do not understand what there is to be proud of or why the Irish people should not be delighted to merge themselves in the wealth and strength of Great Britain. They are under a delusion, and the delusion is due to historical ignorance. They forget that for centuries Ireland was in all respects in the forefront of western civilization. They do not remember that during critical ages Ireland held aloft and sheltered the struggling flame of Christianity. They are ignorant of the fact that when art and learning were well nigh extinguished in Europe they were cherished nurtured and kept alive in Ireland. They do not understand the natural pride in the mere fact that, in spite of every effort to deprive her of nationhood, Ireland remains Ireland to this day. To come down to modern times, they neglect the evidence of capacity for trade and commerce displayed by the Irish people, and the means whereby trade and commerce were crushed out. Physical courage appears to be the only quality inherent in the race which is recognized. For the rest, though it is admitted that Ireland has given us great soldiers, administrators and statesmen, the traditional stage Irishman (where is Mr. Drady, laughter), a sufficiently ridiculous, capering person, seems to set the general estimate of the race. It is a very false one. **The Irish people have characteristics and a history of which they are proud, and of which they have every right to be proud.** If the people of Great Britain will acknowledge the fact that Ireland cannot be converted into so many shires of England, and if they will rid themselves of the delusion that no real justification exists for pride in Irish nationality, they will infallibly come to three sound conclusions: First, that if Ireland is to develop she must be allowed to develop on her own lines; secondly, that for the venom in the sting of memory, respect, forbearance and just dealing are the only antidotes; and, thirdly, that it is only by admitting and encouraging the sense of her own responsibility that a feeling of



larger nationality and true imperial sentiment in Ireland can be created and nurtured into healthy life.''

Will John Bull Eliot Lodge please read and digest these words of Dunraven? Let us hope so.

### Griffin and Barry.

My discourse tonight will be at once an argument and a eulogy. An argument because it is necessary to convince every one in this audience and others who may read what I say that I have proved my case. A eulogy because the memory of John Barry, one of the boldest, bravest, noblest and purest of the naval officers of any nation, demands it at my hands. Before entering upon my subject, I wish to thank the public spirited Irish-American citizen, Martin I. J. Griffin of Philadelphia, for the days and nights he has given to place the name of John Barry in the position to which it belongs. Talk about St. Brendan or Columbus discovering America! Why, it was nothing compared to the labor of Martin Griffin in the attempt to rescue the memory of the Irish Commodore from oblivion. For years Martin Griffin has been quietly at work. He has examined every scrap about Barry. He has followed every rumor to its source, investigated its relevancy for the purpose of restoring Barry to his rightful place in the hearts of the great American people. At last he has seen two statues erected to Barry in Philadelphia and an appropriation made by Congress for one of bronze in heroic size in the city of Washington. Martin Griffin! accept the thanks of the Gaels of San Francisco for your devotion to the cause of truth and to the real facts of the Revolutionary War. Whether we are Irishmen or descendants, like myself, of those Irish pioneers who helped make California what it is to-day, we only ask that the merits of the heroes of our race be acknowledged. We will take no less; we demand no more. (Applause.) I will now state the seven propositions which I am prepared to prove:

First—John Barry was the first to command the first American warship under authority of Congress. She was called "Lexington."

Second—John Barry was the first to

unfurl the flag of the Continental Congress on the ocean.

Third—John Barry captured the first English armed vessel, named the “Edward.”

Fourth—John Barry on every occasion, on sea or land, did one man’s share for American freedom.

(a) As Captain of the “Effingham.”

(b) In the crossing of the Delaware and in the battles of Trenton and Princeton.

(c) In the capture of the “Alert.”

(d) In the “Raleigh” combat.

(e) In the bloody fight of the “Alliance” with the Atalanta” and “Trepassy.”

Fifth—John Barry was the last to fire a shot in the Revolutionary War.

Sixth—John Barry was the first commodore of the reorganized navy of 1794.

Seventh—John Barry had entire command of the entire fleet of the United States.

### **Barry’s Birthplace.**

First—He was the first to command the first American warship. Before entering into a discussion on this point a sketch of John Barry’s life will be of interest. He was born near the historic town of Wexford, in Ireland, in 1745. the year of the Battle of Fontenoy! As you are well aware, there is no place more celebrated in Irish history than Wexford. Here the English invaders first landed. Here the Geraldines first settled; here Cromwell butchered the young and old, the helpless and unarmed. Here the Irish heroes of 1798 performed prodigies of valor. With such stirring memories of Saxon cruelty and Irish valor, it is no wonder that Barry was ready to join the Americans in the War of Independence. At the time the battles of Lexington and Concord took place, namely April 19, 1775, he was captain of a fine sailing vessel called the “Black Prince.” He gave up at once the command of the finest ship afloat and offered his services to the Continental Congress. They were immediately accepted. That very day, October 13, 1775, Congress resolved to fit out two armed cruisers. One was called the “Lexington” and the other the “Reprisal.” On December 7, 1775, John Barry received the first commis-

sion as captain of the "Lexington." This was the beginning of the American navy. His own vessel, the "Black Prince," was then purchased by Congress and called the "Alfred." The command of the warship "Alfred" fell to Dudley Saltonstall and John Paul Jones was made first lieutenant. Barry's ship was an independent command, under the direct authority of Congress, and was more perfectly equipped than the "Alfred." It was not, however, until March 25, 1776, that Congress issued letters of marque for the purpose of destroying English vessels of all kinds.

Second—John Barry was the first to unfold to the breeze the Stripes of the Continental flag. Before that time the flag of the navy was of yellow silk, decorated with a snake as an emblem and with the words, "Don't tread on me." This was the idea of Gadsden of the Marine Committee of Congress.

#### **Unfurled First Flag.**

But the flag of Washington, with the red and white stripes, first unfurled at Cambridge and adopted by Congress, was the flag of John Barry. Thus, for the first time in the history of the nation, the American republic had a flag on the ocean, so that, as Washington said, "our vessels may know one another and thus distinguish our friends from our foes." It was a bold act for one vessel to cruise on the great Atlantic, without any friend to help in the hour of need. As Paul Jones said, "Some gentlemen who wish prominence did not wish to join then, as the peril was very great." It may be noted here that John Barry was then, and continued to be, the warm friend of Paul Jones, and also of the other captains of the navy. Jones wrote to him years after, requesting that he accept the present of a French cockade of red, white and blue, and suggesting that the black should be left for England, which, he added, was a fitting emblem for that dark-hearted nation.

This country has at length tried to do justice to John Paul Jones, one of the greatest naval heroes of history, after permitting him to die without means and comforts and to be buried in a spot for years unknown to the world. It is questionable now if the



body exhumed is that of the great naval hero. But whether it is or not, no Gael will regret the honors paid to one of the bravest of the race. As in the case of Barry, it is solely a question of merit.

It is a curious fact that the entrance to the Delaware, on which the city of Philadelphia is built, was then guarded by an English vessel, the Roebuck. Her shotted guns pointed towards the sea were ready to intercept any aid for the Colonies in men, arms or provisions. Strange to say, the guns on the land side were neglected, so that Barry in the darkness of night passed on into the great ocean, and for the first time in the naval history of the United States unfurled the flag adopted by the Continental Congress. A flag not of tyranny, to oppress a people, but a flag bearing justice in its folds; a flag with stripes for the oppressor wherever he may be; a flag which at all times embodies the idea that men are equal in opportunity and equal in political rights.

### **Perils of Barry.**

Let us for a moment dwell upon the peril of that ship which bore this flag. The ocean really belonged to England. Her fleet was as much at home upon it as if she claimed it by right of ownership. No one had dared since the destruction of the "Armada" to dispute her sovereignty on the great deep. For an American capture would mean imprisonment in an English prison or death in the hulks of New York, where over 11,000 American soldiers died. For an Irishman, who was considered a citizen of Great Britain at least in name but never in reality, to be taken on an American war vessel meant treason—aye, high treason. The punishment was, as we know, to be shot or to be hung to the yard arm of the vessel. Yet, to the glory of Barry, he dared all for the sake of his adopted country. For the sake of freedom, in his own words, he gave up the command of the best ship, and the finest employment in America. In other words, he had everything to lose. Surely a man born under a foreign flag deserves more consideration for patriotism than one who is fighting for his native land. Our native air breathes of home. It awakes

the inmost patriotism in our hearts. Yet it was the good fortune of America to enlist the services of two brave men born in foreign lands, who carried the American flag in triumph over the great seas without one sign of disloyalty. You know their names, John Barry and John Paul Jones, both Gaels.

When Ezek Hopkins, the American, a commodore of the American navy, was dismissed from the service because he was incompetent; when the American Thomas Thompson of the "Raleigh" was also dismissed for cowardice; when Benedict Arnold, another American, betrayed his country in the hour of peril; when Lee permitted his army to be routed because he was jealous of Washington, Barry, the Irishman; Jones, the Scotchman; De Kalb, the Alsatian; Steuben, the Prussian; Kosciusko and Pulaski, the Poles, and, last, but not least, the glorious Frenchman, Lafayette, were willing to give up their lives for the cause of American liberty. Let no man talk to me of the dangers of foreign immigration from Europe. I say let us welcome all but the yellow man. Here is the real danger. Through him will come the question as to whether free America can remain the hope of all the half-starved, half-clothed, half-educated and oppressed peoples of not only the white race, but what we have of the negro race. This is a race problem enough. Let us teach them to love the flag of our country, that flag which John Barry first unfurled to the breeze. It is true that flag lacked the stars, but it carried the stripes to smite the ancient tyrannies of caste and race.

Third—John Barry, under direction of Congress, captured the first English armed vessel. The "Roebuck" pursued, but did not capture the "Lexington." Barry then cruised off the coast of Virginia for one week. At that time he encountered the armed vessel "Edward," flying the English flag, commanded by Richard Roger. An engagement took place. The "Edward" was terribly shattered by Barry's fierce fire, and for the first time in naval history the high seas on April 7, 1776, knew that the American republic was to be their master. How Barry's heart must have throbbed with delight when he knew that he was the first man to win victory over the hered-

itary foe of his native as well as of his adopted land under that flag which has never been and never will be the emblem of oppression.

### **Converts Dale to the Patriot Cause.**

To show how deep was the patriotism of Barry, and that he was more than an ordinary sea fighter, I will pause to tell how he enlisted for America the services of Richard Dale of Virginia, then an officer in the royal navy, but who was afterwards a commodore of the American marine. Dale was a Virginian, and was actually captured by the British while serving his State. He was induced to abandon the American cause and to become an officer on the English ship "Edward." Barry persuaded young Dale to return to American allegiance and to accept an office as midshipman on the "Lexington." Their friendship continued through life, and at his death Barry left him as a legacy his gold mounted sword. **Let us note that the ship "Edward" was the first armed ship taken under the authority of the Continental Congress.** Prior to this those seized were only unarmed supply vessels. Many delegates to Congress believed then that the attempt to fight England on the seas was the maddest idea in the world. But Barry's capture of the "Edward" demonstrated the ability of the Colonies to compete with her. As a result the record of the early American navy is the capture of 800 English vessels and 12,000 seamen. Of these over 100 were frigates of the royal navy, carrying 2,500 guns.

It is no wonder that a student at Annapolis, when asked how many sailors Great Britain sent here during the War of the Revolution for the purpose of subduing us, answered: "She sent more by a d—— sight than she ever got back." (Applause; laughter.) This reply captured the examining board, as well as General Grant.

I remember a visit I made to the "painted hall" at Greenwich, celebrated for paintings of naval battles. "How is it," I asked the guide, "you do not represent the battles between America and England?" "Oh," said he, "that was a different proposition. I regret to say, sir, the Americans were a little too much for us." (Great applause.)



I was amused at the time, because I had heard that Beecher, when making his speech for the Union, was asked in Liverpool: "Why is it that you did not conquer the Confederates in one battle?" "Why," said he, "we had Americans to fight, not English, like Jackson had at New Orleans." (Applause.)

For his services as captain of the "Lexington" Barry received the warm praise of John Adams. Robert Morris, the financier of the Revolution, exhorted him to continue to take, sink and destroy the enemy's ships.

Fourth—John Barry, on every occasion, on sea and land, proved that he was willing to do one man's share for American freedom. We have already seen that Barry made the first capture under Continental authority and had been its earliest, constant and latest fighter.

#### (a) Captain of the "Effingham."

In December, 1776, thirteen war vessels were ordered built by Congress. Barry was assigned as captain of the "Effingham." While waiting for his new command he seized cargoes of arms and ammunition of war intended for the Continental army. On July 4, 1776, the day celebrated in history as Independence Day, John Hancock notified Barry to cruise on the "Lexington." He said: "This is a piece of justice due to your merits" (his very words). On the cruise he took several prizes, among them the "Lady Susan," after a fight of an hour and a half. Her crew took service under Barry. Then came the "Betsy." Both were condemned as prizes September, 26, 1776. On October 18, 1776, he took formal command of the "Effingham." His was the seventh assignment.

John Paul Jones had the eighteenth. This displeased Jones, but Barry, modest and brave, cared little for the empty honor of the place of assignment. Paul Jones again declared that "some above him did not join the navy, as they did not choose to be hanged, as the hazard was very great." Yet Barry as No. 7 became chief of the navy, and Jones as No. 18 attained undying fame. It is well to note here that the pay was \$60 monthly. The uniform was blue cloth with red lapels, blue breeches, red waistcoat, with yel-

low lace. Imagine Admiral Evans in this costume!

When the British occupied Philadelphia, in September, 1776, the "Effingham" was cut off from the sea. Congress, against the protest of Barry, ordered the ship sunk. This was done. She was afterwards destroyed by the enemy at her moorings in the upper Delaware.

This was the time when good patriots despaired of the cause of our country. Washington had abandoned Long Island and had crossed over to New Jersey. Then occurred the treason of Charles Lee. This officer tried to thwart the plan of Washington. He was afterwards captured by the enemy near Morristown, New Jersey—designedly, it is thought.

#### **(b) Crossing the Delaware.**

Washington had commenced his famous retreat over the Jerseys, followed by Cornwallis, who halted at the brink of the Delaware. You all remember the celebrated painting representing Washington and his men crossing the Delaware at night in small boats. This was the Christmas night after General John Sullivan had brought in the division of the traitor Lee. Every American remembers that renowned painting. We see it now. We watch the heroic figure peering as it were through the darkness to guard against any possible danger. The cold is bitter. The snow is falling and drenching the forces of the patriots. The river is filled with masses of ice which the sailors are pushing out of the path of the boats. Who do you think commanded the sailors? Who then was the right hand of Washington? Why, John Barry, the Irish captain.

Commodore Barry is not seen in that picture. Nothing is said on Memorial Day by Puritans like Eliot or Lodge, or heroes like Hobson, of Barry assisting Washington in the celebrated crossing of the Delaware on that Christmas night and of the aid rendered by him and his sailor boys at Trenton and Princeton, which victories you know, brought joy and hope to the American people. When the future historian will write of these events he will, I hope, give due credit to the Irish captain, and when the future painter shall place his colors anew on the can-

was showing that passage over the Delaware, the face and figure of John Barry I trust will be seen by the side of George Washington.

The failure of the painter to give credit to Barry is only equalled by Horace Vernet's painting of the Battle of Fontenoy, seen in the Gallery of Battles in the palace of Versailles. The Irish who won the victory are not there; but King Louis, Saxe and Richelieu are. Since I erected in 1902 a tablet on that battlefield, giving credit to the Irish Brigade for changing defeat into victory, the guides of Cook's parties pause before the painting and with an English accent say: "The H'English were defeated at the Battle of Fontenoy by the H'irish Brigade, and not by the French, but you see the H'irish are not there."

On that evening Washington surprised the enemy at Trenton and gained a victory which filled all patriotic hearts with joy. Then came the defeats of Brandywine, where Lafayette was wounded, and also of Germantown. Then followed the miseries of Valley Forge, where the patient and patriotic army went into winter quarters October 7, 1777. No pen can adequately describe the sufferings of the half-clad, half-fed, ill-housed American soldiers. Steuben tells us that he found some clad in blankets and in dressing gowns, others in linen in the midst of severe cold, yet keeping guard as if they were properly clad. Their food was flour and water. Their bed the frozen earth. Most of the soldiers had no shoes.

The American farmers, bribed by English gold, laid waste their fields for fifty miles around, and sent their produce to the English and not to their own American brothers. Plots were formed to depose Washington. Charles Lee betrayed the cause again at Monmouth. Surely it was a dark hour. The victory of Saratoga, October 17, 1777, gave a gleam of hope. But it was France that was the main prop of the American cause. France acknowledged America as an independent nation, made a treaty of alliance with us February, 1778, and sent an army to us with a powerful fleet.

Besides, she loaned Congress large sums of money, part of which she declined to accept as a repayment.

France has never received proper thanks for this action. At that time Washington wrote: "We are at the end of our tether unless France acts. In ten days the army will have ceased to exist." Let us be just and thank the noble French for what they did for our cause.

Let us not forget that the two Irish regiments of Dillon and Walsh, in the French service, were as important as the Irish of the Pennsylvania line in securing victory for these United States. All this time Barry was passing and repassing the British vessels at Philadelphia, and had succeeded in destroying the "Augusta" and "Merlin."

On February 20, 1778, he reported to Washington that, by the orders of General Wayne, he had destroyed 400 tons of the enemy's forage.

### **(c) Capture of the "Alert"—One of the Greatest Deeds of Naval Warfare.**

We now come to one of the boldest and bravest acts ever accomplished by any man in any war of which there is a record in the world's history. It was no less than the capture of the war vessel "Alert," and four convoys, with 130 British. On March 7, 1778, Barry, with five rowboats, manned by 27 men, passed in the darkness of the night, with muffled oars, the city of Philadelphia. With these men he captured the "Merrimac" and "Kitty," laden with supplies. Then he scuttled and burned the vessels.

Coming noiselessly alongside the "Alert" in broad daylight, the twenty-seven men climbed up the sides of the war vessel, and before Captain Morse of the "Alert" was aware of this action Barry had battered down the hatches and secured the warship and the convoys, one major, two captains, three lieutenants, ten soldiers and 100 sailors—all taken by twenty-seven men.

Congress congratulated the gallant commander, brave officers and men. Frost, in his "Naval Biography," says of this act: "For boldness of design and dexterity of execution it was not surpassed, if equaled, during the war." The British fleet afterwards attacked Barry and his ship "Alert." He was obliged to run her aground and abandon her. He saved her guns and tackle and stores, which drew forth this letter from Washington:



“I have received your favor of the 9th inst., and congratulate you on the success that has crowned your gallantry and address in the late attack on the enemy’s ship. Although circumstances prevented you from reaping the full benefit of your conquests, there is ample consolation in the degree of glory which you have acquired. May a suitable recompense always attend your bravery.”

Alexander Hamilton, on March 12, 1778, wrote to General Clinton:

“We have nothing new in camp save that Captain Barry has destroyed a few gunboats, two large ships belonging to the enemy, laden with forage from Rhode Island. He also took an armed vessel, which he has since been obliged to run ashore after a gallant defense. ’Tis said he has saved her cannon and stores—among the ordnance, four brass howitzers.”

#### (d) Assignment to “Raleigh.”

The next we hear of Barry is as captain of the “Raleigh,” then in Boston harbor. The “Raleigh” up to that time had been commanded by one Thomas Thompson, an American. But, as he had in a cowardly way deserted the “Alfred,” in a fight with two English war vessels, he was removed, and Barry appointed. While on a cruise, in September, 1778, Barry was chased by two Englishmen, and finally gave battle. The “Raleigh” fought the two and gave broadside after broadside until one was compelled to withdraw. But the “Raleigh” was so disabled that all the officers advised Barry to run her on shore. This naval contest had continued for nine hours between the American boat and the two Englishmen, and then ceased. Thereafter the two frigates appeared and poured in broadsides. Nothing daunted, Barry gave them broadsides in return. Finally he abandoned the ship, giving orders to set her on fire. But he never struck his colors.

Cooper, in his “History of the Navy,” praises Barry for his gallantry. The Secretary of the Boston Naval Board wrote to Congress thus: “Captain Barry’s crew, after supporting an unusual conflict with two warships with great gallantry, ran the ‘Raleigh’ on shore, so that, though he lost his ship, he has gained laurels for himself and

honor for his country. Perhaps no ship was ever better defended."

The Marine Committee of Congress said: "The loss of the 'Raleigh' is certainly a very great misfortune, but we have a consolation in reflecting that the spirited and gallant behavior of her commander has done honor to our flag."

On November 10, 1778, Barry was ordered by Congress to command an expedition against Florida, but, owing to the presence of the large British fleet and army, the design was abandoned. We next hear of Barry as one of the captains in the privateer service of Pennsylvania. His boat was the "Delaware." Two or three vessels were afterwards added, and Barry became the Commodore. Barry captured the British war vessel "Harlem." Let us note here that the States had privateers of their own. Congress claimed the right to impress the crews of the State marine. This action created great friction. On one occasion the captain of the Continental war vessel "Confederacy" tried to impress his crew. Barry ordered his ship cleared for action, and sent this message: "Sir, I advise you to desist from firing. This is the brig 'Delaware,' belonging to the State of Pennsylvania, and my name is John Barry." This sufficed. No further effort was made to take away his crew.

#### (e) Captain of "Alliance."

On September 5, 1780, the Marine Committee of Congress appointed Barry to command the largest and finest vessel in the American Navy. It was called the "Alliance," in honor of the alliance with France. Pierre Landais was originally captain, but his conduct at sea at the time of the fight between the "Bon Homme Richard" and the "Serapis" was so unaccountable that the country was not satisfied. Besides, on the voyage from France Landais became insane. Landais was thereafter dismissed. Landais and Barry were the only commanders of this fine vessel. Yet to-day a block of its fine timber is shown at Independence Hall, Philadelphia, with the inscription, "Commanded by Paul Jones during the Revolutionary War." So much for the ignorance of the facts of history! The appointment of Barry was

significant. At this time, in October, 1780. Benedict Arnold had become an undisguised traitor. Washington, in despair, cried: "Whom can we trust now?" Yes; there was one to be trusted—the Irish Commodore Barry. When native born naval officers like Esek Hopkins and Thos. Thompson were dismissed for incompetency, to what men did America look for aid? To the foreign born Barry and Paul Jones.

John Paul Jones, however, left the American service, but Barry remained steadfast to the cause, willing at all times to offer his services to the American Republic, and, if necessary, his life's blood. Emulating the Irish Brigade in the service of France, he only knew two watchwords in his career as an American naval officer—the words on the flag of his fellow countrymen in the French army. "Semper fidelis"—always faithful. He was now selected on the most important mission of his career—not to fight the enemy, not to gain laurels as a hero, but to convey Colonel John Laurens, the trusted friend of Washington, to get money and clothes for the ill-paid, half-starved and half-naked Continental army, which was threatening to desert because Congress would not act. Congress was then, as it is now, a dilatory body. Even to-day it does not heed the cry of "More warships and less politics."

#### **Recapture of "Alert"**

After great trouble in getting a crew the "Alliance" sailed from Boston on February 11, 1781, with Colonel Laurens, Thomas Paine, Count Noailles and other celebrities. Yet Barry could not resist a conflict with the enemy, for in March he recaptured the "Alert" and a Venetian ship. The "Alert" was the same vessel he had seized, with her 130 men, some months before. Barry released the Venetian ship out of respect for the laws of nations and the rights of neutrality. This action was warmly approved by Congress and by Laurens, but not by the crew, who believed that it should have been seized and held as a prize.

#### **Financial Aid for America.**

Colonel Laurens was landed safely in France. He obtained six millions of livres, as well as clothing for the army and military stores. It was this finan-

cial aid which enabled Washington to pay his troops and to clothe them properly, and then to move them to Yorktown, where the English, under Cornwallis, were finally defeated by Washington through the assistance of the French fleet and the French troops under Rochambeau, which you recall included the two Irish regiments of Dillon and Walsh.

On the return voyage of the "Alliance" Barry quelled a mutiny of his men without the sacrifice of a life. The mutiny was caused by his noble act in allowing the Venetian ship found with the "Alert" to go free. It was on this return voyage, on April 2, 1781, that he captured two English cruisers, the "Mars" and "Minerva." Again, on May 2d, he captured three English vessels, and on May 3d still another.

**(f) Fight with the "Atalanta" and "Trepassy".**

On May 28, 1781, two more English vessels were discovered, about a league away. They proved to be an armed ship and an armed brig. As the sun rose they hoisted the English colors. Captain Barry ran up the Stars and Stripes of the United States, which flag had been adopted by Congress since June, 1777.

By eleven o'clock Captain Barry hailed the ship and was assured that she was the ship "Atalanta" of the British Navy commanded by Captain Sampson Edwards, with her consort, the "Trepassy." The Englishman demanded, "Who are you?" The answer came, "Captain John Barry of the United States Navy, in command of the Continental frigate 'Alliance.' I strongly advise you to haul down the English colors." Captain Edwards, a brave man, replied, "Thank you, sir. Perhaps I may after a trial." Then began a contest as fierce as any Paul Jones ever fought. Let us in spirit witness that battle. The sky was blue, the sea was smooth. The fight commences. The firing was continuous. Broadside follows broadside. The wind has fallen to a light breeze. The "Alliance," a heavy vessel, has not wind enough to fill her sails. She lies like a log on the sea. The enemy's vessels are lighter and are able to get at her rear, so that her guns cannot give them a broadside. She can only use one gun at her stern to



bear on both. Thus the sea fight goes on until two in the afternoon.

At this hour Captain Barry is struck in the shoulder by grape shot, and receives an ugly wound. He remains on the quarter deck encouraging his men. Like Nelson he says "America expects every man here to do his duty for the Star Spangled Banner, which still, thank God! waves over our heads." Exhausted by loss of blood he is carried by his men into the cockpit where the surgeon treats his wound. At this time a shot from the Englishman strikes the American colors and down they fall into the sea. The English crews man the yards of each vessel and cheer. They believe the American has struck his colors. The "Alliance" is in a bad way. Barry hears the cheers. He asks the reason. The lieutenant tells him that many men are killed and many are wounded, that the sails are shot to pieces, that the hull is pierced, and that the quartermaster has been killed at the wheel, that the wind has died out, and it was impossible to change the position of the "Alliance." Barry asks, "What is your opinion?" "I think," said the lieutenant, "we should surrender." "Never! never!" says Barry; "run up the colors again. Hurry up with your bandages. If you cannot fight the ship carry me on deck and I will fight her myself."

Noble words. Could any of the great sea captains excel this heroism? As ordered, the Star Spangled Banner is run up again. A breeze springs up, which enables the "Alliance" to move; the man at the helm is replaced. Two broadsides are given, one to each vessel, and the Englishman strikes his colors and surrenders. All the three vessels are in bad condition, but the enemy suffered very severely in the last broadside. Captain Smith of the "Trepassy" was killed. Captain Edwards of the "Atalanta" is brought on board of the "Alliance" and presents his sword; Captain Barry receives it, saying: "I return it to you, sir; you have merited it. Your King ought to have given you a better ship. Here is my cabin at your service; use it as if it were your own." Thus was fought one of the great naval battles of history. Frost in his naval biography says: "It was considered a most brilliant exploit and an unequivocal

evidence of the unconquerable firmness and intrepidity of the victor."

In the cruises of August, September and October, 1782, Barry captured nine vessels. On September 21, 1781, he was placed by Washington in command of the whole navy of the Colonies, and so remained until the independence of the United States was accomplished. Robert Morris wrote him:

"I do not fix your cruising ground, because I expect you will know the most likely cruise and will be anxious to meet such events as will do honor to the American flag and promote the general interest."

In October, 1781, Barry was intrusted with the conveyance of Lafayette to France, the importance of his mission being deemed of more value than any service he could render on the field in America.

Fifth—John Barry had the honor to fight the last battle of the Revolution, in which he whipped the British frigate "La Sybille." It occurred in this way. The "Alliance" left Havana on March 6, 1783, with the "Duc de Lazun." Both had public money on board. On March 9th three British cruisers were seen. They hailed Barry as follows: "Who are you?" He answered, "The United States ship 'Alliance,' commander Saucy Jack Barry, half Irishman, half Yankee. Who are you?" Barry, to save the "Lazun," sailed between it and the foremost Englishman and gave one a broadside and was ready to attack the three at once. After 45 minutes the enemy got out of gunshot. A frigate was then seen in the distance. The English ships watched until they ascertained that the stranger was friendly to the Americans, and then sailed away. But the "Sybille," which received Barry's broadside, was badly damaged. Only a brave Irishman would dare to meet three battle ships, as Barry did, with only one. I know of no other instance of the kind in the history of naval warfare. (Applause.) I think I have been talking too long. (Cries of "Go ahead!" "Go on!" "Good boy!")

Martin Griffin thus sums up Barry's career:

"He thus commanded the first Continental cruiser, the 'Lexington,' and also commanded the last Continental frigate, the 'Alliance,' bringing to Congress the first prize brought to Philadelphia, and defending and saving the last Conti-

neutal war money brought to the country, and the last armed vessel of the new nation. He commanded the 'Lexington,' the first vessel commissioned by the authority of the Continental Congress. He commanded the Alliance, the best vessel that Congress had commissioned, and the last in the Continental Congress. He brought Congress the first prize. He brought Congress its last war money.'"

### **Barry a Patriot.**

In Barry we see one who was more than a naval officer. He was also a patriot. On September 17, 1787, the Federal Convention adopted the Constitution for the United States. It was necessary for the States to ratify. But the Assembly of Pennsylvania failed to take action on ratification. It lacked a quorum. Delay was dangerous. Members would not attend. It was reserved for Captain John Barry to seize these recalcitrants and bring them into the Assembly chamber. This he did, and a quorum was secured. Thus we must thank him for the speedy ratification of the Federal Constitution by Pennsylvania.

### **Prizes of Barry.**

Congressman McCreery, in his report to Congress, says:

"Barry's prizes from one voyage alone, brought into French ports and there sold, are reported to have amounted to £562,000, or about \$2,800,000. It was losses like this that caused the British merchants to petition the Government for peace."

With the acknowledgment of the independence of the Colonies, Barry returned to private life and again engaged as a captain in the merchant service, and so continued until 1794, until once more called into the service of his country. Our commerce was threatened by Algerine pirates and by the wars between England and France, and it became necessary that a "naval force should be provided for its protection."

Sixth—Captain Barry became the head of the American Navy established in 1794.

In 1794 Congress had ordered six new ships for the new navy. The letter of the secretary of war notified the officers appointed that their rank would be according to the order named and Barry's is the first. Hence he became the senior captain or commander in

chief of all the naval forces of the United States. The commission was signed on the 22d day of February, 1797, by George Washington. It was, however on June 5, 1794, addressed by Henry Knox Secretary of War, as follows:

“Sir — The President of the United States, by and with the advice and consent of the Senate, has appointed you to be captain of one of the ships to be provided in pursuance of the act to provide a naval armament herein inclosed. It is understood that the relative rank of the captains is to be in the following order:

- “ I. John Barry.
- “ II. Samuel Nicholson.
- “ III. Silas Talbot.
- “ IV. Joshua Barney.
- “ V. Richard Dale.
- “ VI. Thomas Truxton.”

According to James G. Blaine, at that time, and for years after, the senior captain was the commanding officer of the navy. It was not until 1862, during the Civil War, that the legal rank of commodore was established. At all times the commander of two or more vessels had by courtesy been given that title. Blaine says that even Farragut at New Orleans was only a captain and Worden of the “Monitor” at Hampton Roads only a lieutenant.

Captain Nicholson, the second in command, wrote to Barry:

“Give me leave to congratulate you on your honorable appointment to the command of our navy. I make no doubt but it is to your satisfaction and to all who wish well to this country.”

Let us recall, too, the fact that Dale, one of these captains, was the special pride of John Barry ever since his capture of the “Lexington.”

Cooper in his History of the Navy says: “Captain Barry was the only one of the six surviving captains of the Revolutionary War who was not born in America, but he had passed nearly all his life in it, and was thoroughly identified with his adopted countrymen in interest and feeling. He had often distinguished himself during the Revolution and perhaps of all the naval captains that remained he was the one who gained the greatest reputation for experience, conduct and skill. His ap-



pointment met with general approbation. Nor did anything occur to give the Government reason to regret his selection." Here again we see the old argument against foreigners, as if they could not be as brave and skillful as the Native Sons. A Senator of the United States said, on one occasion, "I am an American." His foreign born colleague replied, "To what tribe of Indians do you belong?" This is like the boy at school who, when asked, "Who was the first man?" replied, "Why, Washington, of course." The teacher said, "Of Americans—yes. But of all others, who was the first?" "Well," he said, "if you want to bring in foreigners—why, Adam." (Laughter and applause.)

### **The Frigate "United States."**

Barry was appointed on April 12, 1794, to superintend the building of a frigate to be called the "United States." When this fine war vessel was ready he became its captain. It was to be built of Georgia live oak. He made a trip to Georgia to inspect the timber and was allowed \$200 for expenses. Honest man that he was he returned \$75.76. This little matter showed how strictly conscientious Barry was. I fear he would not be appreciated in these days especially in this city of San Francisco. Here the rule is; division and silence.

On November 1798 Captain Barry with others was directed to suggest a proper system for the navy. He had previously reported in favor of a Navy Department. His advice was adopted.

Seventh—He was then placed in Command of the Entire American Fleet. Barry commanded nine war vessels and ten assistant war ships in the cruise in the West Indies. Under him in this expedition were Charles Stewart, grandfather of Charles Stewart Parnell, Stephen Decatur, and others afterwards illustrious as naval heroes.

On October 10th., 1799, Captain Barry was ordered to carry the United States envoys to France to demand justice for injuries inflicted on commerce. This mission President Adams declared to be one of the most critical, important and interesting moments that ever occurred in American history. President Adams gave the order: "You will not capture anything on the voyage. This is a

mortification to which it is necessary that you should submit. (Laughter.) I hope to salute you as Admiral on your arrival at Philadelphia.’’

#### **Retained as Captain by Jefferson.**

When, upon the advent of Jefferson’s Administration, a reduction of our naval forces was determined upon, he was one of the nine captains retained, and he remained in the service of the nation whose navy was his child until his death in Philadelphia on September 13, 1803.

Within ten years after his death Mr. Dennie, the editor of the chief literary journal of the period, the Port Folio, wrote:

#### **Father of Our Navy.**

“Captain John Barry may justly be considered the Father of our Navy. His eminent service during our struggle for independence, the fidelity and ability with which he discharged the duties of the important stations which he filled, gave him a lasting claim upon the gratitude of his country.’’

#### **Epitaph of Dr. Rush.**

For the epitaph upon his tomb in St. Mary’s churchyard, Philadelphia, Dr. Benjamin Rush, one of the signers of the Declaration of Independence, wrote these words:

Let the Patriot, the Soldier, and the  
Christian

Who visits these mansions of the dead

View this monument with respect.

Beneath it are interred the remains of

**John Barry.**

He was born in the County of Wexford,  
in Ireland,

But America was the object of his patriot-  
ism and the theatre of his use-  
fulness.

In the Revolutionary War, which estab-  
lished the Independence of the United  
States,

He took an early and active part as a  
Captain in the Navy, and afterwards  
became

#### **Commander in Chief.**

He fought often, and once bled in the  
Cause of Freedom.

His habits of war did not lessen his  
Virtues as a man nor his piety as a  
Christian.

He was gentle, kind and just in private  
life, and was not less beloved by his  
family and friends than by his  
Grateful Country.

Time will not permit me to dwell upon the noble qualities of Barry. His life was clean. No vices stained the white robe of his soul. He was generous to a fault. This was shown by his gift of nearly all his property to the orphans of Philadelphia. His integrity was his great virtue. Aye, it exceeded his skill and courage as a naval officer.

I think I have proved my case. I ask for a verdict in my favor. Your response tells me that I have succeeded.

If you will compare Barry with other naval heroes, the illustrious Irishman shines forth like the most glorious orb of the firmament. In modesty and courage he is only equaled by the Roman Cincinnatus, in integrity by the Roman Fabricius.

If opportunity permitted he would have been a Nelson, without that Englishman's lust, and that Englishman's love of murder. He was greater than Drake, because Drake was simply a freebooter and sea thief, who lived on plunder taken from the Spaniard. Drake's memory cannot be made sacred even by the Irish cross erected by the Episcopalians at Golden Gate Park, in this city. He was more constant in his patriotism than Paul Jones, because Jones abandoned the American cause to seek fame and fortune elsewhere.

#### **Offer of Howe to Bribe Barry—Indignant Reply.**

But if Barry was wanting in all the qualities of a naval hero, his answer to Howe should endear him forever to American hearts.

You all remember that his bold capture of the armed English vessel *Alert* raised the hopes of the Colonists. It is claimed that this exploit frightened the soldiers of the English garrison at Philadelphia so much that they clamored to get to New York, where they could fly to their fleet.

Their chaplains prayed not only for success to the English arms, but also that God as well might spare the English legs, so that Barry could not prevent their running away. (Great laughter.) At all events, they did leave Philadelphia very shortly after this. This deed created such an effect that Lord Howe tried to bribe him by the offer of 20,000

pounds and the command of an English frigate. You recall his words in reply: "NOT THE VALUE AND COMMAND OF THE WHOLE BRITISH FLEET CAN SEDUCE ME FROM MY DEVOTION TO THE CAUSE OF AMERICA." Noble words. They were in every respect worthy of the man and of his race. In his life these words were his inspiration; at his death they were his consolation.

Devotion to the cause of America! Noble John Barry! your example has been worth thousands of patriots to the United States in all the trials they have undergone.

Devotion to the cause of America! Why, the Gael knows no other except his love for his own dear Isle.

Devotion to the cause of America! If it were possible for Ireland to die, these words would be found after death on her heart. Has she not proved her devotion?

These are the facts:

1. She gave two of the first brigadier generals in the Revolutionary War, Montgomery and Sullivan.

2. Twelve of the 56 signers of the Declaration of Independence.

3. One-third of the general officers of the Revolutionary War and one-half of the rank and file.

4. Barry the first Commodore of the infant navy.

5. Through the Friendly Sons of St. Patrick, \$515,000, and again \$48,000, in the darkest days of the war.

Yes, the devotion of Ireland made George Washington her friend and admirer. Of him an Irishman has said: "No people can claim, no country can appropriate him; the boon of Providence to the human race, his fame is eternity and his residence creation." For Washington alone this was not hyperbole.

Devotion to the cause of America! Yes, it was shown when the Irish Andrew Jackson avenged the burning of the Capitol at Washington by the hail of death with which he greeted Pakenham's English grenadiers at New Orleans.

Devotion to the cause of America! Yes, it gave the Irish Phil Sheridan the courage and the skill to check the retreat of his flying troops and turn the



rout of Cedar Creek into a victory for the rights of all men.

Devotion to the cause of America! Why the brave Irish who fell with the green in their caps within a few feet of the Confederate lines at Fredericksburg, died with a smile upon their lips because they knew that they died for the cause of American freedom.

Devotion to the cause of America! Tell me, reader of history, did not these words nerve the Irish George Meade to repulse Pickett's charge at Gettysburg, and thus gave victory to the Federals in the most decisive battle of the Civil War? Tell me, further, did not this sentiment animate the Irish Larkin to compel the timid Sloat to forestall the action of the English Admiral and thus preserve California for this Union of States?

Devotion to the cause of America! While the Celtic heart will beat, the Celtic hand will be ready to defend against either foreign or domestic foe this dear land of ours which the valor of the Gael in the past has saved, which his industry has helped to make fruitful, and which his generosity has made a refuge for the oppressed of all races.

Never shall it be said that any Irishman proved either a traitor to America like Benedict Arnold or a renegade like William Waldorf Astor, who sealed his treason without protest from our President or Minister to England by presenting to hypocritical Englishmen the bloodstained flag of the Chesapeake, one of the sacred mementoes of American valor on the high seas.

Now, as often as we offer our heartfelt thanks to Providence for the many favors He has lavished on the United States of America, let us never forget that among the most striking favors He has granted us as a powerful example to the Gael and to the world of the highest type of manhood and of patriotism, is the fearless courage, the absolute integrity, the whole-souled generosity, the touching modesty, the superior skill, the forceful purpose, the unwavering firmness and the unswerving devotion to America of the Irish Commodore, John Barry, the Father of the American Navy. (Long and continued applause.)

THE LEADER



641 Stevenson St.





*Mr. Forman  
of  
San Francisco*

# Moore Centenary

## Oration

OF

FRANCIS J. SULLIVAN

DELIVERED AT  
METROPOLITAN  
TEMPLE, SAN  
FRANCISCO, MAY  
28, 1879

REPRINTED BY  
THE TOM MOORE  
LITERARY CLUB

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POEM BY "MARIE"

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POEM BY "MARIE"

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WALTER N. BRUNT PRESS  
391 JESSIE, S. F.

# MOORE CENTENARY ORATION

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(Delivered without notes at Metropolitan Temple, May 28th, 1879, by Francis J. Sullivan.)

I feel honored by my selection as orator of the Moore's Centenary in San Francisco. There has been so much misrepresentation about Ireland and its people by English writers and I will add by Celts, too, such as Carlyle and Macaulay, that it is necessary in this free land for an Irishman or an Irishman's son, on an occasion like this, to testify to the faith that is in him and to glorify the men of genius of his race. From the time of Giraldus Cambrensis, of doubtful parentage, in the reign of Henry the Second, this attack has been continued until Irishmen themselves believed that there must be some truth in these systematically false statements. Yet, the Irish civilized all England except one province. They gave the barbarous Saxons the customs and laws of Ancient Ireland, namely, prescription, limitation, set off, entry, ouster, distress, rescue, fresh pursuit, replevin, avowry, mortgage, writ of possession, and return of distrises. The only return for all this was false testimony and a war of extermination against the only people in western Europe which has a complete history of its own from the earliest time in its own tongue—a people, too, as refined, as cultured, and as civilized as the Greeks—a people with a code of laws from the fifth century, with a system of government and a knowledge of the arts and letters—a people whose very name Scoti brings us back to the dawn of history and to the fields of Scythia from which its ancestors came—a people overflowing with wit and humor, mentally quick, kindly in disposition, full of love for religious ideas, affectionate to their kindred, artistic by nature, and as brave as lions—a people which left its mark on France with John Scotus and Columbanus, in Bavaria with St. Killian, in Switzerland with St. Gall, in Italy with Cataldus, in Scotland with Columba, in England with Aidan and Maidulph, while one of its warrior kings found his death in the Alps and left the name of Dathi to equal that of Attila, the Hun or of Brennus the Gaul.

All of these facts can be proved to a demonstration to any unprejudiced mind. Yet this people has been exposed to all the ferocity of a brutal materialistic race which owed them, as I have said, the education they boast of today. How different were the Romans in their treatment of the Greeks. Granted that they plundered Greece, still they received the Greeks as friends and teachers. They even sent their pupils to Athens and bore testimony of the fact. The Saxon did the same with Ireland but carefully suppressed all knowledge of the aid rendered him by Irish schools and Irish scholars. Take up the lives of Alfred the Great or Aelfred of Northumbria. I defy you to find there any reference to their education in Ireland. Why? Because the English have set out to make the Irish ignorant before the world. Their dullness is not so dense that they cannot see that it would be a complete answer to that charge if

they once admitted that any of their great men were compelled to go to Ireland for an education. Hence they have invented the offensive stage Irishman—who, if he ever existed, would have been the result of their enforced famines and penal laws.

"English dislike of Ireland is akin to idiocy." Sidney Smith puts it finely thus: "The moment the very name of Ireland is mentioned the English seem to bid adieu to common feeling, common prudence and common sense, and to act with the barbarity of tyrants and the fatuity of idiots."

The same spirit exists in the descendants of the Puritans. They claim that William Cullen Bryant, the poet, was of English stock. This can be only when the names Cullen and Bryant or Bryan are cut loose from their Gaelic origin.

A notable exception to this ignorant English view is the testimony of Bede who lived in the seventh century. Referring to Ireland he says: "Many of the nobility and of the lower ranks of the English nation were there in Ireland at the time. The Scots (Irish) willingly received them all, and took care to supply them with food, and also to furnish them with books to read, and their teaching all gratis."

### **Pioneer Days.**

This occasion affords me an opportunity of saying that in the past days of California, one of the means of upholding ideals was the singing of Moore's melodies. Instead of the ribald airs of the London variety stage, the California pioneer loved to hear these songs interpreted by Kate Hayes and other sweet singers. These melodies were always received here by all classes and races with open hearts. It is highly appropriate that at exercises of this kind homage should be paid to him who did so much to make the name of Ireland loved and cherished by the people of this great State.

### **Moore's Home.**

I can never forget the delightful trip I made to the poet's home in the County of Wiltshire, in England. I have seen Rydal Mount consecrated forever to the memory of Wordsworth and the Lake poets. Its surroundings are truly delightful, but yet I affirm that there are few scenes more touchingly beautiful than the country around Bromham where Moore lived. It was in springtime and the hour was almost dusk when as a pilgrim I stood by Moore's grave and heard the evening bells of the village church ring, yes—those very bells whose fame will sound in our literature while the language itself will last. The rays of the sun lit up the entire landscape with a soft glow. Before me lay a valley intersected by hills covered with a green sward and shaded by chestnut and elm trees. Well kept roads crossed it in every direction. The fact that the surface was hilly afforded new vistas at every rise and at every fall of the ground. In the distance could be seen Sloperton Cottage where Moore lived from 1817 to 1852—over 35 years. It was entwined in roses. There, too, are still to be seen,



the graveled paths on which, as he walked, he composed many of his immortal melodies. The large room where he had his study and where he died is almost the same as when his gentle spirit passed away. As I gazed on this flower embowered cottage with such lovely surroundings I said to myself: "This is indeed a poet's home." Peace seemed to dwell on this spot to be broken only by the bells of which he had so truly and so tenderly sung in words familiar to you all.

And so 'twill be when I am gone—  
That tuneful peel will still ring on;  
While other bards shall walk these dells  
And sing your praise—sweet evening bells.

### **Ireland—Land of Song.**

In the remote past Ireland alone among nations, was known as the "Isle of Song." Well did she deserve the title.

Literature, music and poetry were state institutions. The Irish people fostered those aids to civilization with the greatest care. The thread of poetry was woven into all occupations of that noble race. The bards constituted one of the most honored classes of the land. They were its lawyers, its musicians, its historians, and its genealogists. Their harp is now and has always been the national emblem of Erin. In peace they sung of love and deeds of valor; in war, accompanying their kings, they incited the armies of Ireland to perform heroic achievements. When their country was enslaved, they clung to unfortunate Erin, and animated her persecuted children to remain true to faith and fatherland. When the nobles fled, the bards remained, sealed their devotion to their native land with their blood, and, with dying lips, crystallized the object of their existence in the words, "Erin forever." In spite of persecution a remnant of that chivalrous body survived to these late days. Finally Carolan, the representative Bard of his race, passed away.

To give even a faint idea of the desolation of intellectual Ireland at this period is difficult. Gloom seemed to enshroud the race. Has any one in this audience ever visited a forest in the early morn before the rays of the sun first give promise of day? Then he could form some idea of that darkness. At such an hour the stillness is profound. Then life itself seemed stricken with paralysis. Then the animate world is dumb. Then the green grass no more charms the eye. Then the flower has closed its petals and hides its beauty. But lo! with the first streak of the gray light of the dawn one solitary bird, rising in the heavens, breaks this melancholy spell with one clear, pure, penetrating note. Then another answers, and another until the whole forest is vocal with melody. This first sign of life after the dark night of Ireland's history was the clear, sweet note of the poet Moore. The poet himself points this out in the following verse:

Dear Harp of my Country! in darkness I found thee,  
The cold chain of silence had hung o'er thee long  
When proudly my own Island Harp I unbound thee  
And gave all thy chords to light, freedom and song.

If the pulse of the patriot, soldier or lover,  
 Have thrilled at our lay; 'tis thy glory alone;  
 I was but as the wind, passing heedlessly over,  
 And all the wild sweetness I waked was thy own.

### **Birth of Moore.**

Thomas Moore was born in the City of Dublin on the 28th day of May, 1779. His mission it was to revive the poetry and music of Ireland. He found, preserved in the unwritten songs of his countrymen, the character of its people, their legends, their traditions, their superstitions, their love for the past, their sorrows in the present, and their lofty aspirations for a great and glorious future. He discovered love, loyalty, religion, constancy and unswerving devotion for the fatherland in these almost forgotten Celtic airs. As a result the spirit and chivalry of Erin's bard were stimulated to those displays of word-painting and harmony which today make his name synonymous with the lyric muse.

There have been many luminaries in the literary firmament, but I venture to say that none beamed so evenly and continuously in the eye of an admiring public as the poet Moore. Never before nor since was seen such a brilliant lyrical orb whose rays flashing in its orbit continued undimmed and untouched by the galaxy of surrounding poetical stars.

It is not my purpose to relate the details of the poet's interesting life; or to dwell upon the various works of his highly gifted mind, as they are well known to you. It will suffice for me to say that Thomas Moore was, as a child, singularly precocious; that at an early age he evinced great taste for music, poetry and the drama; and that, unassisted by wealth or rank, he became in the words of Byron, "The delight of his readers and his friends, the poet of all circles, and the idol of his own."

The present occasion calls for an inquiry into his genius and character. The first question that arises is: What place does Thomas Moore hold in English literature? In order to arrive at a just estimate the requisites of poetry and of a perfect poet will be considered.

### **Definition of Poetry.**

What is poetry? In one view, poetry is the mirror of nature; in another, the blossoming of the soul. The elements that enter into its composition are invention, memory of the past, brilliant imagination, sensitiveness, judgment and the power of expression evidenced by rich language and musical feeling. The mind of a poet must be a lyre that continually vibrates to the joys of innocence, the pangs of misery, and the love and hate of men. It should be at one moment like the bright sky; at another, like the fleecy cloud when, under the influence of the sun, it sheds its brilliantly tinted tears. A poet must call on men to behold in various forms on earth on ocean and in sky the infinite and indefinable character of Omniscience. In a word, his intellect should be composed of all that is great, noble, learned and heroic; and his thoughts, moreover, should be as resplendent

as the emeralds and sapphires of a gorgeous fancy found glowing upon the white bosom of truth and justice. The real and unreal under his magic prism, in assuming varied forms, should display all the hues of the rainbow; "for the poet's pen—

"Turns them to shape, and gives to airy nothings  
A local habitation and a name."

He must besides appeal to all classes and be understood and appreciated by the world at large. This in the opinion of the best critics is the test of great poets.

Moore, beyond all question, is among the most popular of poets. Witness frequent quotations from him in Dickens' novels. Men, generally, are familiar with selections from his melodies. How few there are who can quote from Milton, Spenser, Dryden, Pope, or even Wordsworth or Tennyson. Yet withal, Moore was very modest as to his fame.

Prout tried to joke over the Rogueries of Tom Moore in his mock translations from the French and Latin authors. But he did not say, which he could truthfully, that Moore's beautiful lyric, "This World is All a Fleeting Show," was stolen bodily by Reboul, the French poet, in a poem entitled "Soupir" the last verse of which ends as follows:

"Navigateur d'un jour d'orage,  
Jouet des vagues, le mortel,  
Repousse de chaque rivage,  
Ne voit qu'ecueil sur son passage,  
Et rien n'est calme que le ciel."

These tests applied to Moore, will show him possessed of all the necessary qualifications in an eminent degree. His name should, therefore, shine forever as one of the trinity of poetical luminaries with Byron and Scott.

### **Lalla Rookh.**

Contented for a short time only with the lyric laurel, he offered his Lalla Rookh on the altar of Fame, and criticism placed its author with the immortals of the upper sphere.

Without possessing that great degree of sublimity, passion and nervousness which characterizes Byron, and wanting to its full extent the exciting, descriptive, spear-clashing narrative of Scott, he excelled them both in play of fancy, warmth of feeling, honied flow of verse and splendor of imagery. What reader of English poetry has not been charmed with the rise and fall of the balanced sentences in Lalla Rookh? Does not the rhythm of the verse remind him of the dip of the oar in the blue and placid waters of some quiet bay? Byron's strength resembles the crash of the Atlantic wave as it strikes the shore; Moore's, the sustained tide of the noble Shannon, as it booms along its banks. It has been alleged that the Irish poet wants nervous power. One selection from "The Fire Worshipers" will show that this criticism is unjust. It alludes to McNally, the lawyer, who systematically betrayed, for English gold, clients like Robert Emmet:

"Oh! for a tongue to curse the slave  
Whose treason, like a deadly blight,

Comes o'er the councils of the brave  
 And blasts them in their hour of might!  
 May life's unblessed cup for him  
 Be drugged with treach'ries to the brim—  
 With hopes that but allure to fly,  
 With joys that vanish while he sips,  
 Like Dead Sea fruits, that tempt the eye,  
 But turn to ashes on his lips!

\* \* \* \* \*

And when from earth his spirit flies,  
 Just Prophet, let the damned one dwell  
 Full in the sight of Paradise,  
 Beholding Heav'n, and feeling hell!"

In no other poem of the language are such dazzling similes and images found united with such Tasso-like tenderness as in this Oriental poem. The critical eye may range in vain through English literature for such exquisite ideas as those which float along the melodious stream of this glorious production. In painting the scenes of Lalla Rookh, the author dipped his brush in the most brilliant tints of imagination, without sacrificing his love for truth concerning the manners and customs of the East. The fame of this work became circumscribed only by the globe. It was translated into all languages. The Persian lover claims it as his own, when, in the soft twilight hour, under the curtained balcony, he recites its burning lines to his enchanted mistress. The Pole, fascinated by its glowing thoughts, believes that they are applicable to his historic but ill-fated land; even his oppressor, the Russian, feels their thrill of poetic power. Oh! Moore, are not these triumphs of thy genius? Has universal praise lent a glory to the name of any other poet? No. For thee alone, Bard of the Green Isle, was this great honor reserved.

Let us consider where and under what circumstances this poem was composed. The reader, fresh from the passages that breathe and burn, will say: "Surely, this was written under a tropical sky." But the reply will be: "This masterpiece sprung from the poet's fertile brain amid the snows of a Derbyshire winter." With such evidence can any one now deny Moore's claim to rank with the high priests of poesy?

Many English critics think that Moore is too florid. Among these is John Henry Newman. But the reason is that the Celtic style differs from the Saxon. Taine, in his *English Literature*, calls attention to this. He says, "Sterne, Goldsmith, Burke, Sheridan and Moore have a tone of their own which comes from their blood, or from their proximate or distant parentage—the Irish tone."

The same tone or difference is seen in Irish art. As evidence of this it will suffice to call attention to the interlacing designs on their stone crosses, and on the beautiful ornaments of gold preserved in the Royal Irish Academy and on the exquisite work of the "Book of Kells," which are superior to anything I have ever seen from the Greeks.

#### Lyric Poems.

Whatever doubts may exist as to Moore's right to be classed with the great poets of his day, it is generally con-

ded that the lyric muse has gemmed his forehead with the mark of first place. In the fine lyrics known as the Irish Melodies are combined the fire of Beranger and the sentiment of Burns. In the judgment of many, Moore excelled the Scottish poet in richness, variety, grace and power of art. The world knows, and has borne testimony to their beauty of diction, purity of thought, sparkling metaphors and sweetness of versification. The number of the melodies is fully equalled by their uniform excellence and high moral tone. In the opinion of the author of "Childe Harold" many of them are worth all the epics that were ever composed. Here are found the stirring ballad, the passionate ode, and the enchanting song.

These lyrics may be divided into four classes—historical, legendary, scenic and social. To state which, in this garden of poetical flowers, is the most beautiful, transcends the power of any critic. "The Harp That Once Through Tara's Halls," "Let Erin Remember the Days of Old," "Oh! the Shamrock," "The Meeting of the Waters," "Farewell; But Whenever You Welcome the Hour," represent the division to which I have alluded. The last verse of the latter is particularly fine and is superior in every way to Waller's lyric: "Go, Lovely Rose."

"Long, long be my heart with such memories filled;  
Like the vase in which roses have once been distilled—  
You may break, you may shatter the vase if you will,  
But the scent of the roses will hang round it still."

Time will not allow me to call your attention to the rich lines of thought, which in these sparkling melodies, absolutely crumble from their own richness, or to point out the luxurious ideas, kindling raptures and lovely figures which are enchaind in these silver links of harmony.

Open the book of these poems at random, you will there find a fairyland created by the poet's wand. To many critics, this is as great a miracle as if, at his miraculous touch, the living waters gushed forth from the deserted rock of Irish poetry. Compare these poems to a mass of flashing crystal, if you will, and break it into fragments. Each fragment will be found perfect and will gleam with radiant light. Is it at all surprising that the mind in pondering over these delights of fancy drinks deeply of their inspiration and that one's soul almost forgets the material things of earth and is borne heavenward in the swelling tide of song? Around these lyrics, poetry has truly breathed a fragrance more delicate than the perfume of the violet, and crowned their musical thoughts with a halo brighter than the light of Tabor.

#### **National Poet Without an Equal.**

As the National Poet of his native land, Moore stands without a peer. Ireland occupied the first place in his heart. He inspired his noblest poems. The national spirit held such sway over his mind that his *Lalla Rookh* is founded on the sad political and religious history of his country. The horrors of 1798 and the tragic death of his friend Emmet inspired these lines:



"Rebellion! foul, dishonoring word,  
 Whose wrongful blight so oft has stain'd  
 The holiest cause that tongue or sword  
 Of mortal ever lost or gain'd.  
 How many a spirit born to bless  
 Hath sunk beneath that with'ring name,  
 Whom but a day's, an hour's success,  
 Had wafted to eternal fame."

Yet all earthly fame is in its nature transitory. As a result the brilliancy of the warrior, the bright gleam of beauty and the triumph of the statesman are soon forgotten. Even their names perish. But an apparent exception to this rule is that of the National Poet. His memory and his works are in truth immortal. And why? Because the influence of his poetry upon the dim and shadowy outlines of a nation's historic past is unequalled. The warrior dies in glory—the statesman saves his country—but it is the poet who saves their deeds and their names from oblivion. As a result men have asked when poetry was first known, and if it will ever die. The answer is that the undying power of this offspring of sentiment and feeling began when imagination first plumed its half-fledged wing, and passion kindled its flame within the heart of man. It will continue among men until the eternal sunset shall fling its reddening light upon the fragments of the dissolving world.

All ancient history is legendary. Poetry, in that way, rescues a grain of truth and preserves it through the ages. As a result, modern nations live in the past, and poetry by its light, shows the men of the present day the virtues of the dead heroes of their race.

The graces of articulate music of poesy are known to all civilized nations. Hence, its votaries are countless in claiming that its triumphs are not limited to earth. Fancy pictures it amid the glories of heaven and, with keen ear, seems to hear not only the harmonious circling of the revolving spheres, but even the musical rhythm of the sweet-sounding angelic choirs. Hence it is that Moore knew intuitively that music should be the ally of poetry.

Among the Irish poets he stands in an attitude of proud magnificence, even as one of the Irish round towers rises above the surrounding valleys. Davis alone equalled him in intensity of national feeling; but alas! for his country, he died in the morning of life. It is indisputable that Irish history, Irish character and Irish learning were formerly hidden, as in fact they are now, under the dark cloud of misrepresentation which emanated from English hatred. The world was and is ignorant of the miseries under which unfortunate Ireland labored. Moore perceived that the only method of dispelling this gloom was to pour forth an eloquent defense of his country in the very heart of Britain. How well he succeeded, let history tell. Through his touching poems the cry of oppressed Erin was heard by all nations. England herself for a time relented. The poet thus beautifully refers to the revolution in public sentiment:

"The stranger shall hear thy lament on his plains,  
 The sigh of thy harp shall be sent o'er the deep,  
 Till thy masters themselves, as they rivet thy chains,  
 Shall pause at the song of their captive and weep."

The influence of national poetry is apparent in the effects of Moore's Melodies. He found a depressed people in tears; he created a hopeful national feeling. The shamrock, harp, sunburst, wolf-dog and the red-hand—all emblems of Irish patriotism—have been immortalized by his poetry. The features of Irish history and character are faithfully portrayed; the gloom and sunshine, the mixture of mirth and sadness of the Irish heart are vividly traced in these sparkling poems. They form today, among the Celts, the charm of childhood, the glory of manhood, and the delight of old age. With all nationalities they constitute the ornaments of prosperity and a refuge in adversity. One of his melodies has always haunted my fancy from its inherent merit and the beautiful allusion to memory. It is "Let Erin Remember the Days of Old." I can imagine that Robert Emmet said as Moore narrates: "Oh, that I was at the head of 20,000 men marching to that air." It is an old Celtic one called "Red Fox." The last verse is:

"On Lough Neagh's banks, as the fisherman strays,  
When the clear, cold eve's declining,  
He sees the round towers of other days,  
In the wave beneath him shining;  
Thus shall memory often in dreams sublime,  
Catch a glimpse of the days that are over,  
Thus, sighing, look through the waves of time  
For the long faded glories they cover."

#### **His Patriotism.**

The great talents of Moore were not the only noticeable features in his career. His public and private character would alone cause him to be considered as a remarkable man. First of all we must mention his devotion to his fatherland. From the lips of the noble Emmet he learned those great principles of liberty which animated him through life. His dearest wish was that he might die, as he had lived, "a rebel." "My first inspiration," said he, "shall be my last—the cause of Irish freedom." These sentiments explain the deep current of patriotism which runs through his works. That he materially assisted in passing Catholic Emancipation cannot be denied. He endorsed repeal of the union, even if separation would ensue. The Athenian has received the praise of mankind for rescuing, by his poetry, a few of his countrymen from the quarries of Syracuse. Shall not the tribute of Byron be laid at the feet of Moore?

"When Athens' armies fell at Syracuse,  
And fettered thousands bore the yoke of war,  
Redemption rose up in the attic muse,  
Her voice their only ransom from afar;  
See! As they chant the tragic hymn,  
The car of the o'er-mastered victor stops, the reins  
Fall from his hands; his idle scimitar  
Starts from his belt! He rends his captive's chains,  
And bids them thank the bard for freedom and his strains."

Yet, we are told that Moore was no patriot. Must such a stigma rest on the name of the friend of Emmet, Grattan, Curran, O'Connell, Sheil and Griffin? Forbid it, heaven! Perish the brain that could originate such a calumny! Perish the tongue that would proclaim such a falsehood to the world!

If by patriotism is meant that love of country which prompts men to scale those dizzy heights where with glowing faces they may declare the commands of the God of Liberty, where they can announce the laws and institutions of freemen, and sing of ancient glories and exalt heroes as models for posterity—then Thomas Moore must always be known in the annals of Irish patriotism as one of the purest, most brilliant and most unswerving patriots that Ireland ever possessed.

The fact that Moore was a friend and admirer of Robert Emmet from school-boy days should be sufficient evidence of his patriotism. Why, in his "Fire Worshippers" Hafed, the Rebel Chief, is Emmet; Hinda, his love, is Sarah Curran, and Al Hassan, the irate father is John Philpott Curran. The memory of Emmet and his love is forever embalmed in two touching melodies, "Oh, Breathe Not His Name," and "She Is Far From the Land." In singing these, Moore always drew tears from his friends, for he threw into them pathos of the most sincere kind. Washington Irving gives testimony of Moore's devotion to Emmet. This is evidenced by that most touching of all essays in his Sketch Book, "The Broken Heart." It is true that Moore's journals show no reference to Emmet. But the reason is clear. Lord John Russel edited them. He, no doubt, carefully cut out everything which would displease the English public. Why, he even lost the notes of Emmet's dying speech. Then, too, the memory of Lord Edward Fitzgerald is enshrined in a beautiful melody, "When He Who Adores Thee." Irish history fairly breathes through his melodies. He even wrote a history of Ireland to which he devoted fifteen years of his life, only to find that he should never have attempted it because he knew no Gaelic.

It has been asserted that the Irish poet was unfriendly to American institutions. It is true that Moore as a young man visited America, and was unfavorably impressed by its people. His sentiments in after years changed materially. He acknowledged his error. His warm friendship for Irving and Willis, and their admiration for his noble qualities, effectually answer this charge.

#### Private Character.

His private character is beautiful to contemplate. As a husband, who, till the day of his death, paid chivalrous devotion to his wife; as a father, who wreathed around his home the crown of love and domestic felicity; as a friend to all who met his genial smile, the name of Moore is suggestive of the most pleasant recollections.

Through life he enjoyed the friendship of all the brilliant geniuses of his day. The simplicity of his character, his great musical and conversational powers, and his pleasing manners, excited the admiration and elicited the love and esteem of his contemporaries. Byron, one of his most valued friends, commemorated this feeling in these words:

"Wer't the last drop in the well,  
As I gasped upon the brink,  
Ere my fainting spirit fell,  
'Tis to thee that I would drink,

With that water, as this wine,  
 The libation I would pour  
 Should be—Peace to thine and mine,  
 And a health to thee, Tom Moore."

### Affection For Mother.

The poet's affection for his mother is, perhaps, the most striking trait in his private character. All his letters to her began with the words: "My darling—my dearest mother." Twice a week a messenger of love and duty from him cheered with these beautiful expressions the little home in Dublin where she lived. The praise of the world and the honors heaped upon him never affected this deep love, which the poet has embalmed in the following touching verse:

They tell us of an Indian tree,  
 Which, howsoe'er the sun and sky  
 May tempt its boughs to wander free  
 And shoot and blossom wide and high,  
 Far better loves to bend its arms  
 Downward again to that dear earth  
 From which the life that fills and warms  
 Its grateful being first had birth,  
 'Tis thus, though woo'd by flattering friends,  
 And fed with fame (if fame it be),  
 This heart, my own dear mother, bends  
 With love, true instinct back to thee."

Oh! Moore, if there were nothing else in thy great soul but this pure affection, posterity would stamp your career with the seal of approbation. Moore's love for his mother was surpassed by her devotion to him. What can equal the love of a mother for her darling son! It is superior to all the affections. Coldness and narrowness of heart do not affect the currents of the mother's soul. The first to imprint the warm kiss of approval at the dawn of success, she will be the last to leave him when he stands in sack-cloth and ashes, overcome by misfortune, or perhaps disgraced by a mad career. Is there any one present whose heart has not beamed with delight at the fond parent's caress, even as the heavens blush with the magic of the sunshine? If there is, alas! he has not felt the holiest and purest joy that mortals possess—he has not seen the flash of eternity in the gloom of the selfish and cold materialism of the world.

Tonight the Celts of California, uniting with their countrymen in all parts of the world, have joined in the hymn of joy, and laying before thee, oh Ireland, an offering of praise to the genius of thy immortal bard, say: Oh, happy Ireland! to find in Moore a panegyrist of thy glory!

Happy Ireland! in the midst of trials and cruelties without a parallel among nations, it is comforting for you to know that the fate of long-forgotten Carthage will never be yours. The Melodies of Moore now tell and will forever tell your story to all peoples. They will keep alive the memories of the past great days when you civilized your oppressors and spread the glory of your learning throughout Europe. Through them your sons will preserve the recollections of Milesius, of Tara, of brave Brian, of your lords and brehons and your scholars and your saints. Through them the sufferings of your martyrs will remain fresh until the wish of

Emmet shall be fulfilled. Through them the devotion of the Irish people to their creed will remain a lasting monument of their fidelity. Through them the Gael remembers, and will remember, your pleasant hills and valleys with a grass greener than any spot on earth, the dells in which fairies played, the streamlets which seem to sing of the grandeur of the past, the soft blue lakes around which legends thickly cluster, the dreamy skies, the ivy-clad abbeys, the storm-beaten round towers—mute historians of Irish fame; the white and black thorn hedges framing the white roads, near which the thrush and the linnet sing; the undulating fields from which the lark, rising to heaven, pours forth his thrilling song; the little wren seeking seclusion in the deep thickets, then, too, the bright shining rivers and the noble bays, the abrupt headlands facing the roaring waves, of surrounding seas, the wooded charms of Avoca, the calm delights of Glendalough, the mysteries of Arranmore, and the historic isle of Innisfallen in its setting of the lakes of Killarney.

Surely a people which has preserved its existence in spite of so much suffering, is entitled to a great reward. It needs not the brilliant pen of Newman to tell what Ireland will be in the future. Her day is sure to come.

The inspired Book tells us that the Prince of the Apostles, at one time, was confined in prison with heavy chains upon his limbs and with armed soldiers at his right and left, and that the doors of his cell were equally guarded. During the darkness of the night, the Angel of the Lord preceded by a flash of light, entered, struck off the chains, saying, "Arise, gird thyself and follow me." May not this also apply to the case of Ireland? May we not all live to see Moore's prophecy realized in the case of this unconquered and unconquerable nation?

It is true, Ireland is imprisoned and the chains hang heavy on her limbs. It is true she is surrounded by guards who say continuously, "Submit like your sister Scotland. She has forgotten Bannockburn, the murder of Wallace and of Queen Mary, the butcheries of Culboden and Glencoe, and the loss of her language; submit like your sister Wales. She does not wish to remember the murder of her bards." But Ireland has declined to forget her history or to surrender her principles and her language. And while her destiny is wrapped in gloom may she not also see a flash of light in that darkness and the Angel of Freedom appear. Shall she not soon see her chains fall, and hear the Angel say, "Arise, gird thyself and follow me." Drawing aside the veil of the future we look and lo! She has passed from the control of her jailers; she has crossed the threshold of her enforced captivity; she breathes the air of liberty. She raises her eyes to heaven and thanks Providence that she is free.



# THE MOORE CENTENNIAL.

By Miss H. M. Skidmore.

"Marie."

Delivered by N. P. Wynne.

And dare I breathe my feeble song,  
To greet thy natal day?  
Thou prince amid the poet throng,  
Thou "lord of lute and lay?"

As well from valleys deep and dark,  
Might sparrows chirping hail  
The birth of heav'nward-soaring lark,  
Or royal nightingale.

And yet—a kindly list'ning ear  
That tiny chirp could claim,  
For oh! 'twould sound, from heart sincere,  
Each kingly songster's fame.

So, though I sing our poet-king,  
In strains devoid of art,  
It is a soul-felt offering,  
The tribute of the heart.

Oh, Erin fair! his Native Isle!  
Forget thy night of woe,  
And let thine ancient sunny smile  
O'er vale and mountain glow.

For oh! one jewel, "rich and rare,"  
Still decks thy thorny crown,  
And sheds o'er all thy favored air,  
The light of its renown.

Aye; e'en amid the treasured store  
Of Earth's immortal names,  
Thy peerless son, thy matchless Moore,  
Unequaled glory claims.

"I care not," said the ancient sage,  
"To whom the task belongs,  
"To trace, with laws, a nation's page,  
"So I may write its songs."

For, influence far beyond the power  
Of legislative band,  
Is o'er the proud, immortal dower  
Of poet's gifted hand.

Whene'er it sweeps the nations' lyre,  
And thus, with magic art,  
Lights up the patriotic fire  
Within that nation's heart.

And ne'er had bard that power divine  
In grander strength than he  
Who filled each emerald vale of thine  
With wondrous melody!

Nor ring his glorious strains alone  
Through vales that claimed his birth,  
The echo of each matchless tone  
Thrills all the list'ning earth.

Enraptured sit the spell-bound throngs,  
When gifted voices pour  
From warbling throats the deathless songs  
Of thine immortal Moore.

From happy hearths, o'er forests grand,  
Broad streets, or boundless seas,  
Unceasing ring, on wave and land,  
His "Irish Melodies."

And so, 'tis well that homage meet  
A grateful world should pay  
And in an echoing chorus greet  
This glad, centennial day.

Aye! well, to chant his endless fame  
O'er all the favored earth,  
In blended strains, with vales that claim  
The glory of his birth.

But, chief among the ringing songs,  
That bring their tribute blest,  
Let yours resound, oh, Celtic throngs,  
Who fill the boundless West.

And as ye homeward waft the strain  
Unto your sacred Isle,  
Uplift ye, o'er and o'er again,  
This fervent prayer the while.

That, when your land shall take her place,  
A free, unfettered clime,  
And Fame, 'neath Emmet's name, shall trace  
His epitaph sublime.

Another tomb may build be  
Upon that favored shore,  
From whence shall gleam, o'er land and sea,  
The deathless name of Moore.





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California speeches

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Thos. C. De Los Angeles  
of 1868

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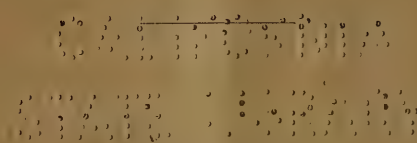
OF

HON. DELOS LAKE,

BEFORE THE

Young Men's Central Democratic Club,

SAN FRANCISCO, OCTOBER 23, 1868.



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MR. PRESIDENT AND FELLOW CITIZENS :

At St. Paul, Minnesota, which is almost the geographical centre of the North American continent, during the Presidential Canvass of 1860, William H. Seward—inspired by the place and the occasion, and perhaps anticipating the territorial expansion he has since been instrumental in securing—delivered an extraordinary speech, the theme of which was the past and the future of the country.

If, from their honored dust the great founders of the Republic could then have arisen, and grouped themselves around the orator and statesman, we can imagine with what exulting joy and gratitude they would have listened to the majestic sentences in which he traced the achievements and predicted the destiny of the nation.

And five years later, if they could have heard the story of our national convulsion and witnessed the dying throes of the rebellion “compressed within the circling fires of a nation’s wrath,” we can conceive how their mourning over the ruin the conflict had wrought would have turned to praise and thankfulness, as they

beheld the fruits of unselfish patriotism and manly valor in the apparent triumph of the American experiment of self-government.

But still, three years later, if they could walk among the living, and discover after all the trials and successes of the past, that in a merely political contest, the perpetuity of the Union and the preservation of republican liberty are again involved, with what tremulous anxiety may it be supposed they would observe the action, and await the decision of the people.

Fellow Citizens : The fathers of this government inspired the eloquence of Seward, defeated the attempt to disrupt the Union, and are among us, and with us, and watching over us in our present peril.

They gained for us our national independence. They framed for us the admirable constitution, under which our unparalleled progress was achieved. They established an American system of policy, and educated the great statesmen by whom for two generations the affairs of the government were administered. So long as we walked in their footsteps and by the light of their teachings, even the dreams of enthusiasts were surpassed by the realities of our national development. And it will be found that the dangers which now beset us are the result of departure from the principles they declared and the practice they established.

As if those illustrious men were personally exercising over us the moral supervision to which they are prescriptively entitled, it becomes us earnestly and honestly

to consider where the path of duty lies in the vital struggle in which we are now compelled to engage.

After the sacrifice of more than a million lives to save the Union, republican institutions are on their final trial before the world.

If another ruin is not to stand in ghastly prominence amidst the remains of dead empires, the constitution must be restored and the government replaced upon its ancient foundations.

In the present contest the sharp line of division is between radicalism on the one hand and conservatism on the other.

Have you ever fairly considered what "Radicalism" means—not according to the derivation or strict definition of the term, but in connection with the modes of conduct it is used to interpret? It means simply *self-will*; sometimes intelligently directed, but always narrow, perverse, dogmatic, intolerant of the rights and opinions of others, impatient of contradiction, and insusceptible to the influence of facts and reason. Its manifestations are as various as the characters of individuals and communities; but whatever form it may assume, it is essentially the same thing.

"These are my views or my intentions; if they conflict with *your* views or *your* intentions, or with what you call *your* rights or *your* privileges, or with law or reason I cannot help it; you must stand aside. 'I am holier than thou.' I will not be obstructed. Orthodoxy is my doxy—heterodoxy is your doxy."

Radical self-sufficiency is well expressed by Burns :

“ Lord hear my earnest cry and prayer  
 Against the Presbyt'ry of Ayr,  
 Thy strong right-hand Lord make it bare  
 Upo' their heads—  
 Lord weigh it down, and dinna spare,  
 For their misdeeds.”

A distinctive feature of radicalism, and which has attained complete development in the present political contest is personal detraction and slander.

It would seem as if there had arisen in our midst a volcano of falsehood in a condition of perpetual eruption. On the stump, and in the press, men of fair attainments and respectable character are daily and wilfully guilty of misstatements, for which in private life they would be dishonored ; and are apparently unconscious that by these perversions of truth they lower themselves and degrade their country.

Nearly eighteen hundred thousand voters in the Northern States, who have been heretofore attached to the Democratic Party, and the still larger number who propose to sustain the conservative candidates in the present contest, are stigmatized as traitors, and as the “ Northern wing of the rebel army.” The Democratic party, it is charged, is controlled by the beaten leaders of the Confederacy, and its only mission is to protract the rebellion.

Even a distinguished Senator in Congress, in a recent speech, so far forgot his official dignity and personal

character as to insinuate, if not boldly charge, that the President of the United States was privy to the assassination of his predecessor.

General Blair, who dared death a hundred times in defence of our banner, and threw all the weight of his intellect and influence on the side of his country, is denounced by sanguinary non-combatants and drawing-room heroes—by the brainless parasites of party—as an apostate and a revolutionist.

Horatio Seymour, among the noblest and most cultivated of American statesmen, vigorous in mind and stainless in character, his heart and his interests alike identified with the Union, whose effective patriotism in the hour of our deadliest peril won the admiration of Lincoln—this man is coarsely assailed as the friend of rioters; as having discouraged enlistments, obstructed the draft, and desired and plotted for the defeat of the Union army.

Duped though we may be by the thousand forms of charlatanism which have sprung from our national progress, and which are incidental to our political system; darkly though the shadow of political demoralization may brood over our national honor; bitter and deep though our passions and prejudices may have become in the fierce excitements of the last few years, and clamorous as may be the demands of partizan necessity, the American people will never descend to the level of these outrages.

But let us pursue radicalism a little further.

The great conquerors of ancient and modern times, whose ambition spurned all narrow bounds, and who aimed at nothing less than universal dominion, whatever the form of government they administered, were in spirit radicals. Religious bodies, which in different ages have sought arbitrarily to enforce their peculiar dogmas upon mankind, have exhibited another phase of radicalism.

Legislative organizations, such as the Long Parliament, or the National Convention of France, which have attempted to bend or break the institutions of the country in which they existed, to suit inflexible and fanatical theories of government, were radical.

Judges, who have earned an infamous reputation by the substitution of individual will and passion for the equal justice of the law, were radical.

The member of your club or society, who makes no concession, and seeks to trample down all opposition, is radical.

The self-important Podsnaps of social life, who adopt a tone of dignified conclusiveness, and whose only argument is that what they say and what Providence designs must be identical, are all radicals.

It is the order of Providence that radicalism can never permanently prevail. Alexander miserably died at the height of his glory, and Cæsar fell in the Senate House before the patriots of Rome. Religious wars desolated Europe until the principle of religious toleration was forced into religious systems. Charles the First expiated his self-will upon the scaffold.



The Long Parliament was forcibly dissolved by the iron hand of Cromwell. The fanaticism of Cromwell prepared the way for the dissoluteness of the Second Charles and the bigotry of the Second James, which in their turn yielded to the re-actionary conservatism of William of Orange.

The National Convention, after the best blood of France had been drained, appointed its own executioner, and he who was radicalism incarnate, sunk under the disease at St. Helena.

The precedents of Jeffries and his coadjutors have been obliterated from the controlling volumes of the law.

The society which yields to radical aggression becomes disrupted. The Courts of Bankruptcy, and the asylums for the insane, abound with the members of the Podsnap family.

I have read in some impious speech or pamphlet that "God is a Radical." With what startling emphasis the myriad voices, the teeming analogies of Nature reject this blasphemy! The velvety leaf that trembles in the lightest breeze—the modest flower that diffuses fragrance through the summer air—the downy bird, whose melodious aspirations float high above the clash and jangle of our common life—the huge tree that grapples stoutly with the ground and proudly lifts its verdant top into the light of day and the gloom of night—the beetling crag that frowns upon the vale beneath—the countless planetary systems that tinge the blue sky with

gold as they whirl unceasingly through immeasurable space—all things “in the heavens above and in the earth beneath and in the waters under the earth,” are the result of the counteraction and combination of opposing forces, which, if separated and unrestrained, would destroy the universe. Man, himself, so wondrous in the structure of his body and the balance of his mind, is a living protest against radicalism. The works of God are all brought forth and perfected in the spirit of compromise. If the attraction of cohesion were to become the all-pervading law, and the earth were compressed into an atom; or if the centrifugal force were suddenly destroyed, and the planets rushed tumultuously towards the sun; or if the centripetal force were checked, and they flew into realms beyond the sweep of human knowledge and even of the human imagination—in either of these events, there would be a physical exhibition on a grand scale of the policy and the consequences of radicalism.

It was fortunate for this republic that among those who presided over its birth, and for more than two generations watched over its growth, there was not a single radical.

Washington, with his broad, liberal mind, the perfect equipoise of his faculties, moral and intellectual, and the conciliatory spirit with which he tempered his steadiness of purpose—the exact opposite of radical obstinacy and self-assertion—was the type and model of sagacious conservatism.

The great men by whom he was surrounded and succeeded, whether attached to the Federal party or the Republican party of the day, or to the Democratic party or Whig party of a later period, were nevertheless imbued with his conservative spirit, tolerant in thought and speech, and moderate in action.

Although the elastic development of the nation has transcended all precedent and all expectation, it was foreseen that in the framing of political institutions for a country capable of indefinite expansion, embracing so great a diversity of climate and production, and within which all classes of social, political, and religious ideas would jostle each other, the nicest discrimination must be exercised, and the most conciliatory policy followed.

The Articles of Confederation, in the first place, and the perfected Constitution, in the second place, were rooted in this theory, and were the fruit of intelligent compromise.

The governing principle of those instruments was supremacy to the individual in moral and religious opinions, and in all other matters, by which he was exclusively affected—supremacy to the State in its own purely internal affairs, and supremacy to the Federal Government in those concerns in which the whole people were equally interested.

This was the simple basis upon which our Republican institutions were established, and for more than seventy years after the adoption of the Constitution,

with a few perturbations to which it is unnecessary to allude, the system maintained its poise, its elasticity, and its strength. The slavery question, however, which apart from its moral and religious aspects, was in its nature purely social and economical, had been dragged illegitimately into party politics by the radical supporters of slavery in the South and its radical opponents in the North, and at a time of intense exacerbation of feeling in both sections, growing out of the Kansas Nebraska controversy, a Republican President was elected by a fair vote upon a platform which pledged him to oppose the extension of the "peculiar institution" into the territories, but which fully recognized and indeed emphatically asserted the rights of the Southern States, and of the Southern people.

The country had passed safely through the Shay Rebellion, the Whisky Rebellion, the Burr Insurrection, the Hartford Convention, the Nullification Measures, the Insurrection in Massachusetts, and the legislation of that State directed against the Fugitive Slave Law of Congress. But it was now confronted by a greater danger. The people of the Southern States adopted ordinances of secession, formed an independent government, and prepared for war. The Northern States and people rallied to the support of the Government and defence of the Union. There were however two theories upon which on the side of the Government the war might have been conducted. One, that the ordinances of secession were valid; that the States in which they

were enacted had the constitutional right to withdraw from the Union ; that in exercising that right and forming a new confederacy they had become a nation foreign to the United States, and that on grounds of great political necessity or expediency, it was legitimate and proper to prosecute the war for conquest with the same rights to deal with the conquered people and the conquered territory as would attach to the acquisition by conquest of the people or territory of any other foreign nation. The other, that those ordinances were invalid ; that those States still remained within the Union ; that rebellion against the United States was an individual act and crime, and not the act or crime of the States, and that in crushing the rebellion, the government would merely exercise its constitutional powers to suppress insurrection and enforce the laws.

The Republican party, it will be remembered, embraced but a minority of the voting population even of the Northern States, and without the support of the Democrats of the North was utterly unable effectively to oppose the rebellion. Suppose Mr. Lincoln and Congress had appealed to the people, informing them that secession had been accomplished, that the Union was dissolved, and that considerations of policy demanded the conquest and subjugation of the New Nation and the creation of new States out of its territory—the abolition of slavery—the establishment of Negro Suffrage, and the adoption of a permanent system of military supervision over civil governments !



With what response would the appeal have been met? Would the war have lasted even the sixty days prophesied by Seward? Would Bull Run have been fought, or, if fought, avenged? Would the world have witnessed that stupendous uprising of patriotic citizens repeated over and over again, to which the preservation and existence of our government in any form is now due? Fellow citizens, we all know better. The gage of battle was accepted in defence, and for the preservation of the Union under the Constitution, *and for no other purpose*. It was universally conceded that to a Government which depended for its vitality upon "the consent of the governed," a policy of conquest would be fatal, and that to acknowledge the right of secession would condemn the war before the whole civilized world, The *Union party* by which the war was prosecuted from the attack on Fort Sumter to the final surrender of the rebel armies to Grant and Sherman, was the result of a solemn compact, by which the Republican party, now "developed" into the Radical party, agreed to forego all its distinctive partisan measures, and to co-operate with the hundreds of thousands of patriotic Democrats all over the land for one object, and until that object was fully accomplished. Listen to Douglas then, on the verge of the grave, as on April 25th, and May 5th, 1861, he pledged himself and his followers to the war for the Union :

"I will say to you with all frankness and in all sincerity, that I will never sanction or acquiesce in any

“warfare whatever, upon the constitutional rights or  
 “domestic institutions of the people of the Southern  
 “States. \* \* \* \* \*

“So far as any of the partisan questions are con-  
 “cerned, I stand in equal, eternal, and undying opposi-  
 “tion to the Republicans and Secessionists. You all  
 “know that I am a good partisan fighter in partisan  
 “times, and you will find me equally as good a patriot  
 “when the country is in danger. \* \* \*

“[Addressing himself to Republicans] When calling  
 “upon Democrats to rally to the tented field, leaving  
 “wife, child, father, and mother behind them, to rush  
 “to the rescue of the President that you elected, do  
 “not make war upon them, and try to manufacture  
 “political capital out of a struggle in which they are  
 “engaged from the holiest and purest of motives.”

These manly and patriotic sentiments were reciprocated by President Lincoln, and by the leaders of the Republican party, in and out of Congress, and were endorsed in every form that the necessities of the time sanctioned. In Presidential proclamations and conferences with Rebel commissioners; in the resolutions and acts passed by Congress; in diplomatic correspondence with foreign powers; in the manifestoes of military and naval commanders; in the apportionment and levy of direct taxes; in the continuance of causes from the Southern States, on the calendar of the Supreme Court of the United States; these propositions were distinctly and authoritatively enforced: that each State was abso-

lutely indestructible ; that no State could rebel or commit suicide ; that all ordinances of secession so called were null and void from the beginning, and had no more force or effect than if they had never been adopted ; that the Confederate authorities and the individuals composing the armies and navies of the Confederacy, or connected with that self-styled government in any civil capacity, were guilty of treason, and liable to arrest and punishment under the Constitution and laws of the United States ; and that whenever circumstances permitted, each Southern State could immediately resume its normal relations to the Government. This logical and practical position, so entirely consistent with the theory of our institutions, so destructive of all revolutionary designs in any quarter, commended itself to the understanding of the people, and justified the war before the world. Republicans, Douglas Democrats, Breckenridge Democrats, all struck hands, and presented a united front to the common enemy. General Grant, when Colonel of an Illinois regiment in 1861, made perhaps the longest speech of his life, in which he said that he and all his men were Democrats, and that whenever he became convinced that the war was carried on for any other purpose than the preservation of the Union, he pledged his honor to carry his sword to the other side.

In short, the understanding as to the motive and end of the war upon the part of the Federal Government was general, complete, and uniform ; and when the

most intelligent Radical in this State, a gentleman whose ingenuity is only equalled by his eloquence, in his address to the soldiers and sailors the other night, begged the real question at issue, and stated in substance that the proposition of the indestructibility of the States was an afterthought of "secret partisans of the Rebellion," I wonder whether it occurred to him that he not only rejected every scrap of testimony on the subject that the history of the Rebellion presents, but also that among the "secret" partisans of rebellion, he classed Lincoln, Johnson, Grant, Sherman, Farragut, and every political leader and military and naval officer who attained to any prominence during the conflict?

Bearing in mind what has been said, what was the condition of the Southern States at the close of the war. Were they indeed out of the Union? Did the Rebel armies achieve a final triumph at the very moment of their surrender? Had the war in truth been waged on false pretences, which were exploded amidst the rapture of victory? No! a thousand times No! The legislative halls were bare, courts of justice were silent, the various offices of state were unfilled, but the Constitution and laws, the entire machinery of civil government was in each of these States complete as on the day and in the hour when under the pressure of superior force it had ceased to operate. Neither in law nor in fact was any question of reconstruction or re-creation presented. Under the official declaration of every department of the Government, under an honor-

able compact to which the leading men of all political organizations were parties—men of the most opposite partisan opinions—had united to suppress insurrection. Their work was accomplished ; their part of the agreement fulfilled ; the National flag waved in triumph over an unbroken Union. It only remained to fill the vacant offices, to start the machinery of Government in each of the Southern States, and lo ! the labor of rehabilitation was finished, and the harmony of our republican system restored.

If it be asked whether it was safe or prudent to confide the task of rehabilitation to rebels, whose hands were wet with patriotic blood, my answer is, that the question is a disingenuous subterfuge ; a plausible evasion of the real issue. The people of the South had been educated to believe that secession was as much the right of a State as the levying of taxes, the apportionment of representation, the establishment of the militia, or the organization of the judiciary within its own limits. In this belief they were firm and honest. In their attempt to secede, and in the conflict which followed that attempt, they were unconscious alike of moral and of legal guilt. They were of our own blood, and their dauntless courage, their stern persistence, their manly fortitude, were worthy of the race to which they belonged, and attested the depth and the earnestness of their convictions. They fought like men, and when they were fairly beaten by their own countrymen, and the airy fabric of secession vanished,



they accepted the situation without a murmur, and surrendered like men. In the conflict the cause of the war had been swept from existence.

Surely in the subversion of their system of labor, in the destruction of their commerce and trade, in the absorption of their accumulated wealth, in the paralysis of their industry, in the desolation of their homes, in the annihilation of their dreams of independence, the Southern people had been sufficiently punished, their humiliation was sufficiently complete. From more than a million of graves, in which the brave defenders of the Union rested side by side with the dead soldiers of the Confederacy—

“The solemn echoes seemed to cry,  
‘Here let their discord with them die.’”

Apart from those considerations which spring from the character of our government and its reiterated pledges, the compact, to which our national success was due, and the obvious suggestions of humanity, which was the wiser policy—the policy best calculated to secure the perpetuity of the Union, and promote the objects for which it was instituted?—to obliterate the past, except in the lessons it had taught; to permit the people of the South freely to exercise their civil rights and privileges, and thus convince them that the strength of the government was even exceeded by its magnanimity?—or, to treat the Southern States as conquered territory, and its inhabitants as a conquered people, to be governed as the caprice or the will of the conqueror

might dictate? Fellow citizens: According to the measure of my influence and capacity, I have been among the most uncompromising supporters of the integrity of the Federal Union; I have shared with my loyal fellow citizens the anxiety and responsibility, the alternate joy and grief of the arduous struggle through which our national existence was preserved; but to these questions I can give—I never could have given—but one answer!

A brave people, born on American soil, reared in the atmosphere of Republicanism, whose ancestors contributed to the formation of the government, and whose history and traditions for eighty-four years were identical with our own, who speak our language and who worship our God, can never be permanently controlled under a policy of subjugation. They must be extirpated, root and branch, before that policy can prevail. It used to be said of the Romans, “where they conquer they inhabit.” It would be said of us, when absolute dominion over the South had been achieved, “they make a wilderness, and they call it peace.”

A war to “suppress insurrection and enforce the laws,” is one thing—a war against populations and institutions, is another. Have you impartially considered the cost and the probability, as well as the consequences, of subjugation? History abounds with illustrations, examples, and warnings, to guide us in the investigation. The long and desperate resistance to invasion, made by the Jews, before the tragical close of their

national life, is familiar to every reader. A handful of Britons, in the mountains of Wales, obstinately and successfully opposed the power of Rome. The memories of Marathon, Salamis, and Thermopylæ, inspired the modern Greeks to their heroic uprisings against the Turks, with the last of which a Radical Congress, with a strange inconsistency, has expressed its sympathy.

The Punic wars terminated in the realization of the dreadful malediction "*delenda est Carthago*." A million of Circassians for thirty years held Russia at bay, and were at last betrayed, but not conquered. The French occupation of Algiers is only maintained by a large military force. Spain—now suffering from the re-action against one form of radicalism—at the zenith of her power, was humbled before the weakness of the Netherlands. The Republic of Switzerland, isolated in Europe, unless we count the little democracy of San Marino, preserved its independence against the aggressions of imperial Austria. The same haughty power, after a long and costly trial of subjugation, has been forced to concede and restore to Hungary its ancient right of self-government. Italy will soon be "free from the Alps to the Adriatic." The border wars between England and Scotland, protracted for centuries, ended only when the policy of subjugation yielded to the policy of compromise. The successive invasions of Ireland, its forced annexation to Great Britain, and the frequent concessions that British pride has been forced to make to Irish determination, have not yet

silenced the cry, that "England's adversity is Ireland's opportunity."

In the application of Radical policy to the insurrection of La Vendee, in which a mere county was concerned, the power of France was used to the point of extermination. Even Poland, with its territory contracted, its population discordant, bound hand and foot, a prey to a despotism at least twelve times stronger than itself, is not yet entirely crushed, but still confronts the Muscovite allies of American Radicalism.

These historical references, to which our own revolutionary experiences, and the story of our attempt to conquer a few Indians in Florida, may be fairly added, however diverse in the facts out of which they arose, conclusively establish the difficulties and the direful results of a policy of subjugation under any form of government.

In the United States, that policy is constitutionally impossible. Its adoption and enforcement would revolutionize our political institutions. Such were the views of the administration during the rebellion; such were the stipulations under which the Union party was formed, and the patriotism of the North organized.

When the war ended there was but one mode in which the adherents of the Confederacy could have been legally or honorably punished, namely: by indictment and trial for treason, or such other offences as they had committed within the scope of the laws of the United States. It was beyond the power of Congress to pun-

ish them by retroactive measures, whether designed to reach them immediately and directly, or through the governments of the States in which they resided.

As early as 1862, the Rebellion had attained to such proportions that it had been unanimously declared "a civil war" by the solemn judgment of the Supreme Court of the United States. At the close of the war, therefore, it was manifestly as impracticable, as it would have been unwise, to attempt to enforce the penalties to which the rebels were legally liable. The prisoners of war were first paroled, and afterwards, with a few exceptions, all who had recognized the authority of the so-called Confederate government were pardoned. A temporary expedient to save the people of the South from anarchy during the interval between the cessation of hostilities and the re-habilitation of their State governments was also improvised by President Lincoln, and, after his assassination, closely followed by President Johnson.

Thus the work was done, and well done. The sovereignty of the Union within the limits of the Constitution was enforced—the country was at peace. The Southern States were invited to adopt, and in fact did adopt, the Constitutional Amendment which ratified the Emancipation Proclamation. Internally and externally they were on the point of full restoration to their normal condition. But the radical leaders within the Union party were dissatisfied. For years, and in furtherance of particular ends totally disconnected with



the preservation of the Union, they had pertinaciously struggled for the control of that party, and at last they succeeded.

Then their disguise was cast aside. They repudiated the proclamations of President Lincoln, the assurances which had been given to foreign powers and to the rebels themselves, and the entire official action of every department of the Government in connection with the war. *They broke faith treacherously and wilfully with every Douglas democrat who had voted with the Union party, fought in the National Army, or contributed his means to crush the rebellion.* They deliberately stultified themselves, and they deliberately stultified the country. They quarreled with the President, and went through the matchless farce of impeachment, for no other reason than that Andrew Johnson, "clear in his high office," was true to his official oath, faithful to the Constitution, and inflexible in his opposition to unconstitutional and revolutionary legislation. They boldly declared that the Constitution was unequal to the emergency they sought to invent or create. They assumed the existence of a state of affairs in the South diametrically opposite to the truth as detailed by General Grant and every other dispassionate observer. They framed and passed the Fourteenth Amendment to the Constitution in such terms that the self-respect of the Southern people would compel them to reject it; and they made its adoption by the Southern States a condition precedent to their admission to representation. Depriving the



President of his constitutional functions as Commander in Chief, they placed the supreme control in the hands of his military subordinate, their present candidate for the Presidency. They forced negro suffrage upon the people of the South; thus not only investing eight hundred thousand of ignorant, uneducated, inexperienced blacks with the highest privilege of freemen, but absolutely placing the balance of political power in their hands, and enabling them to send twenty "carpet-bag" Senators to Congress, while the great States of New York, Pennsylvania, Ohio, Indiana and Illinois, with a white population of fourteen million five hundred thousand can only send ten. They invented a political machine, called the "Freedmen's Bureau," which has been kept moving among the Southern people at an expense of from five to eleven millions a year. And to fasten their reconstruction legislation irretrievably upon the country, they passed an act to deprive the Supreme Court and other Courts of law of the power to determine its constitutionality. They have maintained the army on a war footing in time of peace. They have sought to concentrate all authority in the party to which they belong by depriving the Southern people of every right guaranteed to them by the Constitution, except the right to pay taxes. And all these things they have done under the miserable pretence, openly and defiantly announced, that rebels have no privileges which loyal men are bound to respect; that the act of rebellion destroyed the State organization of all the States in

which ordinances of secession had been passed, and that the result of the war was the conquest of the territory embraced within those States, and the concentration in Congress of absolute dominion over that territory and its inhabitants.

Fellow citizens, this picture is not overdrawn. The Radicals have controlled the Government during more than three years of peace. In the present campaign they are on trial before the people. Their position is defensive. They are to answer for their deeds. Among other things, they have been called upon to defend their reconstruction measures, the legality and justice of which are affirmed in their platform; and their leading orators, the authorized exponents of their principles and policy, respond by quoting what Vattel, Grotius, Puffendorf, and other writers on the law of nations, have said as to the rights of the conqueror over the conquered.

When confronted with the incontestable argument of the indestructibility of the States under the Constitution, according to its plain terms and as interpreted during the war, they retreat from law to expediency, and express a fear of Rebel supremacy in the government, if their re-construction or re-creation policy be overthrown.

Fellow citizens, it is always expedient to be just, and no political crime is so great and so disastrous as trampling on law and smothering freedom under the plea of necessity. "What fidelity, what assurance," says

Vattel, "can be expected from an oppressed people?" "The most secure dominion," observes the sagacious Camillus, "is that which is acceptable to those over whom it is exercised."

In conformity to these precepts, we find that in civilized countries intestine strife is invariably settled by compromise. Were it otherwise, the bloody track of civil war would inevitably lead to barbarism.

In the wars of the Roses, whether the house of York or the house of Lancaster prevailed, the end was always mutual concessions. Each outbreak in Hungary has been followed by Austrian conciliation. Commotions in Ireland led to Catholic Emancipation, and will lead to the disestablishment of the National Church. Rebels sit in the British and Canadian Parliaments, in the Diet of Hungary, and in the Legislature of France.

For my part, I have no fear of "rebel supremacy," either in Congress or elsewhere. I know that the voting population of the North, compared with the white voting population of the South, is as three-and-a-half to one. I know that the North has outvoted the South in peace, and mastered the South in war; and, while deprecating any such contrast between the two sections, I do not propose to unite in the disgraceful and false admission under which the Radicals have sought to frighten the timid and shelter themselves.

The truth is, Secession and Slavery are dead, and these facts are realized all over the South. In 1868, therefore, Rebels, though "un-reconstructed," are much

less dangerous than radical reconstructionists. They have felt the strength of the Government, and will engage in no war of their own making. No further civil contention need be dreaded, except as the unavoidable result of persistence in the policy of subjugation, which might lead to a war of races, more terrible than history has ever recorded, and could hardly fail to excite a struggle for existence.

Each house of Congress is provided with a means of self-protection against any disrupting element, because it is the sole judge of the qualifications of its own members; and, even if the radical proposition of conquest were technically true, it would still be the wiser policy to follow the example of Great Britain in her Colonies, by conceding to the Southern States the right, and throwing upon them the responsibility, of self-government.

But the monstrous absurdity of that proposition, as well as its bad faith, its illegality, and its inexpediency, is capable of numerous illustrations. That the doctrine of the indestructibility of the States is indispensable to the maintenance of the Union and the existence of the Government, is indeed within the range of exact demonstration.

If the effect of insurrection were, to obliterate the State in which the insurrection occurred, and to place its territory under the absolute control of Congress, then it would be within the power of the majority of that body to refuse to re-create the State that had been des-

troyed, and thus through a succession of rebellions the Union might expire by a process of subtraction. Suppose, too, that any proportion of the inhabitants of the different States in the Union, by strategy or otherwise, secured the control of all the State Legislatures, or of popular conventions; passed ordinances of secession; established spurious State Governments and a spurious Central Government; maintained themselves for a time by force of arms; and in the end were conquered and dispersed under the authority of the Federal Government acting under the Constitution. Would all the States be remitted to a territorial condition and brought within the dominion of Congress? If not, what becomes of the radical argument, or rather pretext, for Congressional reconstruction? If so, what would become of the Union of "the United States of America" ordained and established in the opening clause of the Constitution? The Senate is composed of two senators from each State: of whom would it consist? Who would vote in the House of Representatives? In what tribunals would the Federal statutes be administered? By whom would the President be elected? Can it be disputed that the inevitable answers to these questions imply "revolution" in the broadest sense?

But perhaps the strongest argument that can be addressed merely to the *policy* of Congressional reconstruction, is the fact that if that policy be justified, the United States Government is liable to pay the whole Confederate debt.



Upon the theory upon which the war for the Union was conducted, the Confederacy never had a legal existence; its every act was absolutely null and void. Under that theory, therefore, all evidences of indebtedness issued by the Confederate authorities represented no value, and were of no binding obligation. Reverse that theory, however; assume that the ordinances of secession dissolved the Union; that the Confederacy *had* a legal existence, however brief, and that the war ended in conquest and subjugation; then all the consequences of the conquest and subjugation of a foreign nation and government would follow; and then listen to the result in the language of the highest American authority on the law of nations.

“As to public debts—whether due to or from the revolutionized State—a mere change of the form of government or in the person of the ruler does not affect their obligation. \* \* \* \* \* The new government succeeds to the fiscal rights and is bound to fulfil the fiscal obligations of the former government. It becomes entitled to the public domain and other property of the State, and is bound to pay its debts previously contracted.” (*Wheaton's International Law*, pp. 52, 53.)

It will be very difficult to induce the people by whom the taxes are paid to ignore this corollary to the doctrine of expediency, and at the expense of their depleted pockets endorse the radical sentiments well expressed by some democratic satirist :



" I du beleive wutever trash  
 ' ll keep the peeps' in blindness,  
 That we the wicked rebs can thrash  
 Right into brotherly kindness ;  
 Thet shells an' grape an' powder an' ball  
 Are good will's strongest magnets,  
 That peace—to make it stick at all—  
 Must be druv in with bagnets."

Under the restraining influence of the defeat of Negro suffrage in New York, New Jersey, Pennsylvania, Ohio, Michigan, and other Northern States, it is now loudly proclaimed that that question is not involved in the pending struggle ; and the second resolution of the Radical platform, while it insists upon the black man's right to vote in the South, concedes to the " Loyal States " the right to choose their own voters. But the discrimination which is made between the two sections does not eliminate the question from the contest, because the assumed power of Congress to confer suffrage upon Southern negroes is based on precisely the same *ground* as the reconstruction measures, namely, the assertion of the rights of a conqueror. The second section of the Fourteenth Amendment to the Constitution, also, which applies to all the States, forbids the inclusion of negroes in the basis of representation in Congress in every State where the right of suffrage is denied them. And while party strategy may induce an apparent apathy on the subject, it is well known that the leading radicals have long been determined to render suffrage universal. Finally, on this head permit me to say, that

I rejoice over the death of slavery; that I desire the negro to be protected in his life, liberty, and property, as effectually as though his skin were white; that I shall be glad to see him avail himself of every opportunity for the acquirement of knowledge and the improvement of his condition; but I should respect the Southern people far less than I respect myself, if I supposed they would long submit to the domination of three millions of semi-barbarians, who cannot read their ballots, or cast their votes, without instruction from some "sojourner in Babylon."

There are many other topics on which I would be glad to touch, did time permit.

There are, however, one or two common misrepresentations of the conservative platform deserving attention.

Mr. Williams, the Oregon Senator, in his late speech, criticised the proposal to tax the bonds of the United States, and quoted from various decisions to show that they were not liable to State, local, or municipal taxation. This statement of the law as it now stands, is doubtless correct; but he omitted to state that it is within the power of Congress to tax these bonds, and in the opinion of many respectable lawyers, to authorize the States to tax them; and except as to the bonds issued under the acts of Congress which in terms exempt them from State or municipal taxation, there may be no good reason why Congress should not confer such authority.

Singularly enough, too, I observe that a resolution introduced by Mr. Cobb and adopted by the House of Representatives instructs the Committee of Ways and Means to report a bill taxing the *interest* on Government Bonds at the rate of *ten* per cent.—a mode of “whipping the devil around the stump” eminently characteristic of the Radical party.

The misrepresentation, however, on which the changes are most frequently rung, is to the effect that the Democracy propose to pay the national debt in non-interest-bearing and irredeemable notes. This statement is entirely without foundation. The platform distinctly declares that the bonds shall be paid in strict conformity with the law under which they were issued, and, “if not otherwise provided, in lawful money of the United States.” In this respect, there is no substantial difference between the declaration in the Democratic and Radical financial platforms—except in this : that the Radical proposition that the bonds are to be paid according to the “spirit and letter of the laws creating the debt,” is a disingenuous and base equivocation ; since it is well known that the Radicals themselves are divided in opinion as to whether or not the “spirit” of the act providing for the creation and payment of the debt known as the “Five-Twenties,” requires its payment in gold.

What may be lawful money of the United States, at the time of payment, depends upon the success with which the affairs of the Government are meanwhile

administered. Certainly, there is no hope that under a Radical policy it would be gold or silver; for if the rate of public expenditure for the past three years be continued, there is no hope that the debt will be ever paid; we must endure the disgrace and ruin of repudiation and bankruptcy.

Senator Casserly, in his late masterly argument, proved that the expenses of the Government, from April, 1865, to July, 1868, including the interest on the public debt, but excluding payments on account of the principal, were twenty-one hundred and ten millions, or within one hundred and twenty-four millions of the total cost of seventy-two years, from 1789 to 1861; and that the ordinary expenses for the same period averaged three hundred and seventy millions per year. The cost of the Freedmen's Bureau for 1866 was eleven millions seven hundred and forty-five thousand dollars. Our army, which is used mainly to enforce the subjugation theory of the Radicals, costs, exclusive of pensions, eleven millions a month; while Great Britain, for her entire military system, pensions included, expends six millions—France seven millions, and Prussia two and a half millions. These figures, which are only selected from a mass of statistics, are a startling revelation of the result of three years and three months peace, under Radical auspices.

But let us carry the exploration a very little deeper. Our liquidated national debt is now in round numbers two thousand and six hundred millions. To this is to

be added an estimate of the unliquidated claims against the Government—the State, county, and municipal debts, throughout the Union, and the aggregate private indebtedness of citizens of the United States to citizens of foreign countries; and according to the best authorities, a grand total is reached of not less than six thousand millions of dollars, or nearly fifty per cent. of all the real and personal property in the country.

This indebtedness, too, it must be remembered, bears interest at an average rate of at least six per cent. For a population of thirty-six millions, out of its earnings to provide itself with food, shelter, and clothing—to bear the ordinary burthens of taxation, and at the same time to pay the interest and principal of so enormous a debt, is perhaps the most tremendous financial problem with which any nation was ever called to grapple.

Fellow citizens, it is with the present and not with the past we have to deal. However equivocal and unsatisfactory the position of individuals of the Democratic party may have appeared to some of us during the war, no thoughtful man can deny that within that organization all the conservative elements of the country are now included. The calls of duty from which none may hope permanently to escape, are pressed home to our reason, our consciences, and our interests, with a power it were fatal to resist. We have to make a decision by which not only our own immediate future is to be governed, but which will influence the remotest generations of our descendants.



We have to determine whether pledges can be ruthlessly broken; a solemn compact treacherously annulled; the fruits of a gigantic contest sacrificed; the Constitution stretched and torn, or sacrilegiously destroyed; coercion substituted for "consent" among a free people; the balance of power placed in the hands of three millions of negroes physically emancipated but morally and intellectually slaves; the revenue of the nation adjusted to promote sectional and private interests, and squandered in reckless extravagance and corruption; the public debt continually stretching its huge proportions over the wasted substance of a disheartened people; the elastic vigor of labor blighted; and all this that dark revenge, barbarous fanaticism, grasping avarice, and vaulting ambition, may rule and ruin.

Fellow citizens: In my opinion, the very existence of the nation depends upon the defeat of the Radical party; and I dare not permit myself to doubt of the result. Radicalism must die that the Union may live. The forms of freedom, must not be used to destroy its substance. The Fathers of the Republic, shall not see "the world defrauded of their high design."

If, from the august height to which they have ascended, it be permitted them to look back to the scene of their earthly labors and sacrifices, they shall behold the consummation of their noblest work, in the full development of the Republic "redeemed, regenerated, disenthralled." They shall behold on this continent, once consecrated by their presence, the majestic figure of



Liberty standing proudly erect, in all its exquisite symmetry and dazzling beauty, with the Constitution as its base, the Union as its girdle, and Humanity as its worshipers.







WAR PAPER No. 1.

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December 2, 1865.

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∴ THE WORK OF THE ∴

# CALIFORNIA VOLUNTEERS

∴ AS SEEN BY ∴

## AN EASTERN VOLUNTEER.



AN ADDRESS, BY

*Charles*  
MAJ. C. A. WOODRUFF, U.S.A.

∴ BEFORE THE ∴

*California Volunteer Society*  
**Society of California Volunteers**

OCTOBER 25th, 1893.

C. W. GORDON, PRINTER.

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# THE WORK OF THE CALIFORNIA VOLUNTEERS.

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.. .. AN ADDRESS, .. ..

—BY—

MAJOR CHAS. A. WOODRUFF, U. S. A.

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*Mr. President and Members of the Society of California Volunteers:*

COMRADES :

It is with feelings of pride and pleasure that I embrace this opportunity of thanking you for the compliment of election to honorary membership in your society.

I believe that I can best show my appreciation of this honor by giving a few official facts and statistics indicative of what California Volunteers did, that make it an honor for any man to be associated with you ; by telling what every one, conversant with the history which you and your comrades made, thinks of the service you rendered to the United States Government in its grand struggle for existence. I shall only present the general features of your record, leaving to others the congenial task of giving in detail the work, the heroism, the suffering, and the beneficial results that followed the tiresome but victorious expedition that was generally made by detachments, companies, or at most, battalions.

I may not tell you anything that *you* do not already know, but it is a lamentable truth that many of your fellow citizens, many old soldiers, are not conversant with the history you and your comrades made, do not properly appreciate your services, and do not know what was expected of you, or how you performed your task.

22. 1. 1877

Words of mine can add no color to the picture carried in your recollections of the bitter feelings that existed all over California just before and after the firing on Fort Sumter. You remember well how each man's hand was armed against his neighbor—how secession was weaving its web around you—how, to the Unionist, all was dark and gloomy, until, on the morning of April 25th, Order No. 5, by General E. V. SUMNER, was flashed over the state, carrying hope and comfort to every man who was loyal to the Union.

My labor of love is to tell what happened after that ; how your strong hearts and willing hands destroyed secession's web, and drove the weavers into their holes, to Alcatraz, or to Texas.

In January, 1861, Fernando Wood recommended that New York city secede, and said : "California and her sisters of the Pacific will no doubt set up an independent republic, and husband their own rich mineral resources."

He could not appreciate the spirit that animated loyal men ; California did not *set up* an independent republic, but she helped *keep up* a republic, and kept it up so high that treason could not prevail against it, but it was the same good old republic that our forefathers founded.

California and her sisters of the Pacific did so husband their rich mineral resources, not for themselves, but for the national government that had won them in the glorious campaigns of the Mexican War, as to pour into our treasury during the War, \$325,455,375. Five-sixths of which was gold, and served to keep our financial credit good, and while Confederate bonds sold by the pound, ours had a monetary value in every financial market of the world.

This alone would entitle you to the gratitude of our nation, for without the immense treasure you saved for us, we might, perhaps, have spent our blood in vain ; but you did more than this.

The loyal men of California organized, in the face of a secession sentiment that represented the most progressive and bitter "fire-eating" element, and under such leaders as Wright, Carleton, and Connor, (and assisted by seventeen companies from Oregon, nine from Nevada, and two from Washington), crushed



open disloyalty in California, Oregon, Washington, Nevada, and Arizona, and made these states and territories stand up squarely for the Union ; subdued the hostile Indians, incited as they were by our enemies, over an extent of territory larger than France, Germany, and Austria, combined ; maintained communication with the east by two overland routes ; soothed the rebellious Mormons, who could put 5,000 well drilled, religious fanatics in the field, with the stern hand of military coercion ; and after that historic march (called by the editors of the *Battles and Leaders of the Civil War* "a remarkable march"), of nine hundred miles across the drifting, burning sands of Southern California and Arizona, in the face of rebels and hostile Indians, part of the time on half rations of the poorest quality, with water at intervals of from twenty to ninety miles, and that in such limited quantities that often only small detachments could be supplied at a time, the Rio Grande was reached, and the rebels, whose real object was the invasion of California, already defeated by Canby, were driven in confusion from New Mexico, and the Confederate dream of securing the gold of California, with an immense seaboard on the Pacific, and recognition by the European powers, which was sure to follow, was dispelled by a rude awakening to the fact that the Pacific Coast was solid for the Union.

Of this march, General Carleton, whose twenty-two years of service in the regular army, on the frontier and in Mexico, enabled him to speak intelligently, officially reported : "The march of the column from California across the great desert in the summer months, in the driest season that has been known for thirty years, is a military achievement creditable to the soldiers of the American army. But it would not be just to attribute the success of this march to any ability on my part. That success was gained only by the high physical and moral energies of that peculiar class of officers and men who composed the column from California. With any other troops I am sure I should have failed."

As another result of California's uprising for the Union, if Great Britain, with her usual taking way when she sees an unprotected territorial orphan, had any designs upon our part of the Pacific Coast, as many thought, she wisely kept them to herself.

California's three loyal war Governors, Downey, Stanford and Low, deserve great praise for their stout defense of the Union, and it was particularly fortunate that the military affairs in this far off theatre of war were in the hands of such thorough soldiers as Generals Wright, Carleton, and Connor—each of them veterans of the Mexican War, each a veteran of one or more Indian Wars, each of them disciplined in the regular Army, all of them thoroughly loyal to the government, cool, calm, quick to act, ready to accept any responsibility, and scornful of subtle political theories invented to harass the government. I am proud to add my humble tribute of respect to their heroic memories.

California Volunteers did some of the hardest marching of the war, and much of it under the most disagreeable circumstances. If any one questions this statement, let him remember that these troops endured sufferings incident to deep snows and intense cold, as well as burning sands and torrid heat, and ranged over an extent of territory destitute of railroads, destitute of supplies, much of it arid, barren, and unoccupied, except by Indians, one-third greater than that of the eleven states in rebellion; they garrisoned one hundred and sixty-two stations and cantonments in California, Oregon, Idaho, Nevada, Utah, Wyoming, Arizona, New Mexico, Texas, Washington, Colorado, and Kansas; they constructed eleven, and assisted in building three other permanent posts, some of which are occupied to-day.

They had seventy-seven killed by Indians; thirty-five were drowned in the treacherous, but widely separated streams they crossed; this of itself shows the kind of work they were doing; twenty-one were murdered; five hundred and one were killed or died, exclusive of the loss in the eight companies of Californians in the 1st Washington Territory Volunteers, the "California Hundred," and "Battalion."

Recently I heard a man who served a portion of the war in a crack New York Regiment of Cavalry, and was discharged for disability, speak disparagingly of California Volunteers and their services. I looked up the records a little, and found that in *one* victorious battle, four companies of the 2d California Cavalry each lost an average of twenty per centum more men killed and died of wounds, than did this man's company during the entire war.

(That is, these four companies, in this *one* fight, had *five times* as many killed and mortally wounded, as were killed and mortally wounded in this New York company during the war.) Our comrades of the "California Hundred and Battalion" formed a creditable portion of a fine Regiment, that did excellent service. We all glory in what they did, and they are justly proud of their record, of the blows they gave and received; still these four companies, 2d California Cavalry, in this *one* fight, lost more than half as many killed and died of wounds, as did the five companies composing the "Hundred and Battalion" during the war; and "K" of the 2d California Cavalry, in that same fight, lost as many killed and mortally wounded, as either "F" or "M," and more than "L" of the Battalion, during their entire service.\*

Here is what the Government thought of this battle :

"HEADQUARTERS OF THE ARMY, }  
WASHINGTON, D. C., March 29, 1863. }

Brigadier General GEORGE WRIGHT,

*Commanding Department of the Pacific,*

San Francisco, California.

GENERAL :

I have this day received your letter of February 20th, inclosing P. Ed. Connor's report of his severe battle and splendid victory on Bear River. After a forced march of one hundred and twenty miles in mid-winter, and through deep snows, in which seventy-six of his men were disabled by frozen feet, he and his gallant band of only two hundred attacked three hundred warriors in their stronghold, and after a hard fought battle of over four hours, destroyed the entire band, leaving two hundred and twenty-four dead upon the field. Our losses in the battle were eighteen killed and forty-nine wounded. Colonel Connor and the brave Californians deserve the highest praise for their gallant and heroic conduct.

Very respectfully, your obedient servant,

H. W. HALLECK,

*General-in-Chief."*

* "A," 2d Mass. Cav., "Cal. 100,"	11
"B," " " "Cal. Batt.,"	8
"F," " " " "	7
"L," " " " "	6
"M," " " " "	7
	<hr/> 39

"A," 2d Cal. Cav.,	3
"H," " " "	5
"K," " " "	7
"M," " " "	5
	<hr/> 20
"G," 8th N. Y. Cav.,	4

(Colonel Connor was, on the date of this letter, promoted Brigadier-General.)

The average number of men killed by each regiment in the east was only forty-eight, yet five regiments of California Volunteers, alone, killed over twelve hundred, not including the fight against the Kiowas and Comanches, where, under Kit Carson, the troops administered severe punishment, or that at Tongue River, where Connor's command killed sixty-three, in each of which battles other troops participated, but parts of one or more of these five regiments bore a conspicuous part. Three of the remaining five regiments, and the Battalion of Mountaineers, had numerous engagements, and more than maintained the general average.

Your campaigns in work, exposure, hardship, and unceasing vigilance, were at least equal to those of the severest cavalry raids of civilized warfare; in them little honor or glory could be reaped, and they were against a savage foe, from whom defeat meant destruction. And let me add (what only those who have experienced both can realize), with a civilized foe, when off duty inside the lines, the soldier can enjoy himself around the camp-fire, and lie down and sleep as securely as though no enemy were within a thousand miles of him; but when campaigning against Indians, there is constant danger; every rock or bunch of sage brush many conceal a patient, bloodthirsty enemy, and eternal watchfulness is the only price for comparative safety.

Can any man believe that California Volunteers did little work for the Union, when he knows they had such a record?

It was your misfortune to be deprived of the honor of participating in those historic battles of the east upon which the eyes of the world were fixed, though the records show that many of you tried hard enough to get there in body (at your own expense), as you were all there in spirit; and five regiments were raised with the express intention of invading Texas.

This telegram tells the sentiment that animated you in patriotic words that need no explanation, except that they represented the feelings that controlled most of California's 17,000 Volunteers. (California is credited with 15,725 men; add eight companies 1st Washington, and five companies 2d Massachusetts, 1,300; total, 17,025.)



“RUBY VALLEY, Nevada Territory,  
September 24, 1862.

Major-General HALLECK,  
Washington, D. C.

The 3d Infantry, California Volunteers, has been in service one year, and marched six hundred miles ; it is well officered and thoroughly drilled ; it is of no service on the overland mail route, as there is Cavalry sufficient for its protection in Utah district. The regiment will authorize the Paymaster to withhold \$30,000 of pay now due, if the government will order it east ; and it pledges General Halleck never to disgrace the flag, himself, or California. The men enlisted to fight traitors, and can do so more effectually than raw recruits, and ask that they may at least be placed on the same footing in regard to transportation east.

If the above sum is insufficient, we will pay our own passage from San Francisco to Panama.

By order of the Regiment,

P. EDW. CONNOR,  
Colonel Commanding.”

But it is the soldier's duty to obey ; you were needed here ; here you were ordered to remain ; here you remained and did your duty, and did it well.

It may be some solace for you to realize that three hundred regiments that served in the east, and yet through no fault of their own, never lost a man in battle, and never killed a rebel.

You showed as patriotic a spirit as the loyal sons of any other section. As a rule, you were earning more than men in other localities before you entered the service, yet while in the Army, practically, so far as its purchasing power was concerned, your pay was only one-half that received by your comrades in the east ; and California has constantly refused to make good the difference in value between the “greenbacks” paid to her Volunteers, and the gold her civilians always demanded in payment from them. In other words, the government paid you 100 cents on the dollar, and you paid the “money changers” from 200 to 250 cents on the dollar.

You turned your back upon home and friends ; you did as hard campaigning, as trying, wearing work, as the best of our

troops ; and the immortal Lincoln considered your services as important and as valuable as were those of any other volunteers during the war.

Comrades, I have only outlined a few historic facts relating to your services during the rebellion, and desire to invite your attention to a few other facts that show how you have suffered, and are still suffering that history to perish by your indifference or political cowardice.

I examined your "State Series" of Histories and Readers, and found no extract from Starr King's burning words of patriotism ; nothing concerning Baker's matchless oratory, of which it was said, "it would make a coward fight ;" nothing to show that Broderick was murdered by the devotees of slavery, simply for raising his eloquent voice against its extension.

It struck me that these books were designed on the "God-alone-knows-who-was-right" idea, and the original plan was never deviated from.

Just think of it—in the particular part devoted to California, *one-third of a page*, as meaningless as a party platform, is entitled "The War Period," while a like amount is devoted to the "Bear Flag Affair ;" one-half a page describes "Miner's Justice," or Lynch Law, and two-thirds of a page treats of the "Vigilance Committee."

Not a word in honor of California's expenditure of moral, mental, and physical strength in the war ; not a word of praise or gratitude even for those who preserved this great commonwealth, thus giving these compilers a state for which to prepare a "series" of milk-and-water books, so completely sterilized by politics as to contain no microbe of national patriotism nor state pride ; not one word that tells your children what you and your comrades did and suffered in order that California should remain a part of this great government of ours ; not a word concerning the part you bore in the great struggle for national existence, that could stimulate in the hearts of your children, pride, or interest even, in the deeds of their fathers.

There is another matter, not strictly relating to the California Volunteers, yet so intimately connected with the war, so creditable to California, and so absolutely ignored by these "non-partisan"



school books, that I desire to speak of it. It is California's relation to the U. S. Sanitary Commission. Up to 1864 the Pacific states had contributed two-thirds of all that was given to sustain this grand institution, that was conceived in the minds of patriotic humanitarians.

Cash contributions were received from all over the world, and yet California alone contributed twenty-five per cent. of the grand total.

In its official report, published in 1866, the Commission states : " We do not hesitate to say that the cash resources of the Commission, which alone commanded and utilized its supplies, were mainly due to the largeness, the constancy, the persistency of the contributions from California and the Pacific Coast, so that to California more than to any state in the Union, is due the growth, usefulness, success, and national reputation of the United States Sanitary Commission.

It was unprecedented and unlooked for. The eldest of the states and territories that thus lavished their bounty on the Commission, as the National Army Relief Agent, had existed as a civilized community hardly seventeen years. The Army they so generously aided and relieved was fighting thousands of miles from their frontier. Between them and its battle-fields were mountain ranges and desert tracts, barriers practically more formidable than the ocean that divides the old world from the new. But the people of the Pacific Coast were impelled in God's good Providence to help the National army, through the Sanitary Commission, and their work will hold high place in history. They so upheld and strengthened this novel and untried popular agency, that it became generally recognized as the chosen almoner of the whole people. The great " Sanitary Fairs " of 1864, which brought millions into its treasury, and into the treasuries of its branches, and which sustained it to the end of the war, would never have been organized had not the bounty of the Pacific States enabled the Commission to prove itself a national organization working on a national scale."

You have a powerful organization of young men whose claim to fame and office is, that their mothers were brought to bed in California ; their most fervid orators speak proudly of ancestors

who came merely to seek for gold, of their sufferings in coming and remaining, of how they prospered, because they couldn't help it, but not one word of praise for those who gave up everything to defend California when she was assailed by foes within and foes without.

In the Eastern states the people tenderly cherish and glory in the colors that their sons bore to victory. Every child in Vermont knows and is proud of the fact, that every flag that left the state now graces the walls of her capital. Where are yours? A member of this society gathered a few of them in a case at Sacramento; the whereabouts of the others is unknown, and they are uncared for, save by some of those who marched beneath them. Your historians do not mention them.

In his report of the march of the column, General Carleton says: "I send you a set of colors which have been borne by this column. They were hoisted by Colonel West on Forts Breckenridge and Buchanan; and over Tucson, Arizona, by Colonel Eyre, over Forts Thorn, Fillmore, and over Mesilla, New Mexico, and over Fort Bliss, Texas; they were hoisted by Captain Cremony over Fort Quitman, and by Captain Shirland over Fort Davis, in Texas, and thus again have those places been consecrated to our beloved country."

This glorious extract finds no place in your school books, and to-day the resting place of these historic colors is shrouded in as deep gloom as that which conceals the grave of Moses.

As Americans, we question the sincerity of none, and glory in the valor of *all*, but national patriotism should compel all good citizens to teach that there was a *right* and a *wrong* side to the rebellion; that *moral right*, not *brutal might* triumphed, and they should honor the *right* and glory in it, and commend those who upheld it. And state pride should induce this society and the Commandery of California, Military Order of the Loyal Legion of the United States, to take practical steps to teach the world what it does not know or realize—how much the United States is indebted for its preservation to the patriotism, valor, and devotion of the CALIFORNIA VOLUNTEERS.











815

**SPEECH**

**OF**

**Senator Hiram W. Johnson**

**Delivered at**

**Waldorf-Astoria Hotel**

**July 25, 1923**

**At a**

**Banquet of Welcome**  
**On His Return From Europe**

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"I suggest to my conservative brethren, in our Domestic policies, you may have to take progressivism or radicalism will take you. \* \* \* \*

"In our international relations there's just one course to pursue, just one way to play our proud part, just one method to render real service—speak our voice, frankly and boldly, be true to our own institutions, hold to our own ideals, be fair and just to all peoples, but standing upon our own shores, remain the master of our destiny, the captain of our own souls."



At any rate, candor, frankness, directness will prevail in the determination of our domestic policies, and they may be changed just as often as the people, expressing their will at the ballot box, desire.

### ANOTHER RULE IN INTERNATIONAL AFFAIRS

Unfortunately, another rule obtains with respect to our international problems. Unlike domestic policies, we may not with facility change a foreign policy once adopted. When we have entered a particular course, the march onward may be irresistible. The future is ever doubtful, never can be accurately foretold. Were we convinced of the un wisdom of a course adopted, the arguments of expediency of moral obligation and the like probably would carry us on. The overwhelming force of these arguments need not be described to those who remember the late war and the discussions then and during the League contest. Of transcendent importance is it, therefore, that we reach our decision of our foreign policy without haste or passion, partisanship or prejudice. Once we enter upon a new venture, there will be no retreat. I'm well aware of what may be said of Congressional action, and the power of the representatives of the people, and I understand thoroughly what that power is; but I understand too how that power may be controlled.

It is a matter of deepest regret that in our discussions of foreign relations, sometimes candor is lacking, frankness and directness forgotten, and too often we neither see clearly nor think rationally of an international problem.

Though you and I thought it had been decided in 1920, the old question recurs. If it must be decided again, I insist it shall be honestly and fearlessly decided. Let's have no pretense, let's make the issue so plain that even some of our most distinguished statesmen can not dodge it. I do not agree at all with the views of Mr. Justice Clarke and Mr. Hamilton Holt and their associates; I do heartily agree with them on one thing; if our foreign policy is to come before our people, let it come frankly, fairly, honestly, and let the people decide whether they wish to participate in the European political mess or follow the policy that has thus far been ours; that has brought us our fame, our prosperity, our happiness and our glory.

### FOREIGN PROPAGANDA

I pause a moment to sound my feeble warning against the foreign propaganda now poisoning the national mind. It comes principally from the British Empire, although Britain is no worse, only more effective, than other countries in this respect. It taints the very sources of our news. It plays upon the most sacred of human emotions and often speaks in the holiest aspirations of mankind. It reaches into public bodies, civic and commercial associations, women's clubs, into press and pulpit alike. Its medium is sometimes in the guise of news, often in humanitarian and religious appeal and sometimes it appears in titled personages from abroad. When a Balfour or a Cecil comes among us they preach their doctrine eloquently and tactfully, but it is always however carefully and sweetly phrased, the doctrine of and for their great nation, not of and for ours. And these titled gentlemen know just as we have learned, that in the presence of a foreign title or a great alien personage, some of our people are afflicted with an inferiority complex, that makes them a bit ashamed of being American, apologetic for the unfortunate circumstance of their birth

and singularly susceptible to a foreign viewpoint. We cannot blame some of our English brethren if they are rather contemptuous in their estimate of American character. They see only two classes of Americans, fawning little brothers of the rich who speak only in cringing accents, and those who wish to bask in the sunlight of a titled presence and who jostle one another in a frantic effort for presentation at court.

I'd like to label Americans of this sort who leave our shores, brand them with the contempt of real Americans, and sending them abroad plainly marked as the exemplars of but a small class, representing nothing but themselves, we would render an inestimable service to our people and perhaps an equal one to those beyond the sea.

Through this susceptible class and the ever present foreign propaganda the American people have absorbed the choicest and most amazing mass of misinformation; and the pity of it is, this misinformation is the basis of the opinions of so many good and well-meaning people. The chords of human sympathy and brotherly love are played upon by master alien hands; the hatred or war and love of peace inborn in every man and woman have become the unconscious instruments of secret purpose and hidden selfishness. And finally politics come into play, and an international issue is eagerly seized as a political life preserver. You may call the present effort what you will, a league, a conference, an association or a world court—the result, whether intended or not, will be exactly the same. Nobody in Europe cares a rap for the international court, many care very much whether we get into it. Nobody expects the world court to solve any real provocative international problem; but many expect if the United States can be lured into it, the United States is on the way not only to the League of Nations, but to a full participation in European affairs.

War is awful, but there are other things almost as wicked.

War is terrible. Its horrors have so recently wrung our hearts portrayal of its awfulness and its wickedness is unnecessary to enlist all right thinking people in its prevention. But straight thinking people want really to prevent war, not to unite with war producers or inciters that their designs may be more readily accomplished and their wars made easier.

There are some things perhaps as wicked as war. A nation may survive a war, but a nation whose moral fiber has been destroyed by hypocrisy has no future. War may leave a people torn and bloody, but with character left, that people are not lost. Corrode a nation's character, destroy its moral fiber and the nation dies. We may fight and even lose and yet again wax strong. We may suffer the untold agonies of war, and rise supreme by very force of a national character untainted and a moral strength untouched. I preach the doctrine of abhorrence of war. I preach with the same emphasis abhorrence in our public life in our national and international policies of duplicity, cowardice, pretense and hypocrisy.

However well intended, it is a dreadful thing to tell our people that the international court will stop war or that it will have the slightest effect upon wars. However good the purpose, it is a shameful thing to play upon the emotions of our women and our churches with the pretense that a world court exists which will readily adjudicate international disputes and bring peace and good will on earth to all men. The court means nothing of the sort. It is an utterly futile agency for peace—it cannot and it will not prevent wars and it does not pretend either in its organization or in its operation to do so. It has jurisdiction of nothing, except what countries may choose to submit to it, and the four great member nations, Great Britain, France, Italy

and Japan have specifically declined to submit to its compulsory jurisdiction. It is an arbitral tribunal to which disputes may or may not be brought as the great nations choose, and passing events demonstrate conclusively the great nations do not choose to submit anything of consequence to it. Call it court, or what you will, its genesis is the League of Nations. It is part of the machinery of the league. It is the advisory body of the league; its opinions are based upon the prerogatives of the league; the law of the league is in reality the law of the court; and behind the league, controlling it and directing it, are the Chancelleries of Europe, with their secret diplomacy, their selfishness and cupidity and their hideous schemes of exploitation and conquest.

### THE EUROPEAN SITUATION

I have no purpose this evening of indulging in an infinity of detail concerning European conditions. Neither an intimate acquaintance nor a close investigation is required to determine the present situation. The policies of the major nations, whether cloaked in the guise of altruism or boldly announced, can be easily read by the most casual student. I characterize these policies neither in one fashion nor another. Their justice or injustice, merits or demerits I pass, leaving for another occasion, perhaps, their discussion.

England today pursues the policy that has marked her course for a century and a half; it is no different under a Baldwin than under a Palmerston. The commercial supremacy of England is at the bottom always of its political policy. No sentiment rules its foreign office, and none interferes with its political alliances. It stands against a powerful Germany, when England's trade is threatened. It stands against a powerful France, when France seems to dominate Continental Europe. Comradeship is forgotten when trade policies are threatened. France, victorious, remembering the past, and fearful of the future is determined to maintain her continental position and her world power; she seeks by the strong arm what she asserts is her just due. Germany, disarmed, sees her fairest industrial province seized and dreams of a future day of reckoning. The strong man of Italy bluntly announces the Italian policy "Niente per Niente"—"Nothing for Nothing"—"Italy for Italians" and pursues his Nationalistic way with no other thought than the advantage of his own land. The Balkan States, pawns of the great powers, retain their unlimited capacity for involving their greater neighbors, and with but one or two exceptions still cling to the good old Balkan method of changing ministries by assassinating ministers. Peoples I found generally kindly, courteous, industrious and lovable. Behind them are the centuries of their history, and with them abide the traditions of many generations. They have their way of living, their mode of thought. They neither ask nor desire our advice. Their habits of living and of thought have developed through the ages, and the suggestion of change in either would be received with no less surprise than resentment.

A considerable number of our good people really believe we are wiser and better than those living in Europe. Unfortunately the Europeans don't know it; and I fear notwithstanding the resolutions so generously and numerous and unanimously adopted by Friday morning clubs and Tuesday evening associations, for "rescuing humanity" and "saving civilization," Europeans will continue living and thinking in the European way.

Britain today is at loggerheads with France. The legal staff of the British connected with the Reparations Commission held the invasion of the Ruhr illegal. The legal staff of the French hold the



contrary. In this there is a lesson for us, for it demonstrates how nationality enters into every decision and the facility with which reasons may be found, by patriotism, to make the law of the case. But the difference between France and England is far deeper than a mere difference of legal construction. It involves fundamental policies. England wants no dominant France, she seeks as ever a balance of power. France rising invincible from a great war, wishes to discount the future and aside from the collection of reparations, hopes to remove forever the menace of the past. I heard in Paris, for the first time in many years, the contemptuous words "Perfidious Albion." I heard in London bitter reference to French militarism, Napoleonic conquest and the like. Germany, with her industrials and workers in fair condition, has a middle class acutely suffering. She feels, it matters not whether her complaint be just or unjust, that we enunciated fourteen points of peace and then abandoned them. She accuses us, therefore, of bad faith. France and Britain say we fought the war with them, and quit at its end when there was still work, we were in honor bound, to do. France and Britain while not openly accusing, think we were guilty of bad faith. But France now sees England as a deserter, England sees France as an exploiter with designs of conquest. Italy looks askance at both and thinks of herself, and all are viewing us of course affectionately, but rather cynically. On every hand, in every land, are distrust, suspicion, hostility and hatred; hostility and hatred of one another, distrust and suspicion of us. The moratorium required in Europe is a moratorium of distrust, suspicion, hostility and hatred. Europe must put her political house in order before she invites guests to cross its threshold.

### WHAT SHOULD BE OUR ATTITUDE

In this condition abroad, can any question what should be our attitude? We must not be persuaded to a false step in a little policy, however alluring it may seem, which ultimately may involve us in that which, thus far, we have shunned and avoided.

I will not take our country into this clash of selfish ambitions and the yet existing racial feuds which have written the bloody pages of centuries of European history. If we become a part of what is happening abroad, we would be but the dupe or the prey of the one faction or the other. So earnestly and so firmly do I believe that the future of the Republic depends upon keeping out of the turmoil, the strife and the controversies, the schemes and machinations of Europe, that we can have no higher resolve than to dedicate ourselves to the patriotic duty in the days to come of maintaining the distinctive American policy and keeping our country free from every entanglement which would destroy that policy. In my humble fashion, without limitations of politics or candidacies, I dedicate myself to maintaining America just as America has ever been.

### AMERICA CAN SPEAK ALONE

It is nonsense to talk of turning our back upon the world and maintaining aloofness from its daily activities. We may have a foreign policy if we choose, and that foreign policy may speak in tones which will cause all the world to pause.

For one I would have a definite foreign policy for our nation, but a policy of our own. It is true that this policy might change with succeeding administrations but this presents no obstacle to a frank avowal of our present purposes. If the administration for the moment



It follows apparently that all it needs is two new representatives of the American State Department, one at Geneva and one at Paris, in addition to our present numerous ambassadors and ministers.

These two new representatives would accomplish the task which a thousand geniuses from Alexander the Great to Lloyd George have attempted in vain.

How dazzling is this conception of our intellectual gifts. We did not know before that we were such solvers of problems. In the iridescent dream of the internationalists we now in many cases thankfully turn our backs on problems of our own, which we know we cannot solve, and address ourselves with enthusiasm to the European problems which we are told we can solve with ease.

We do not quite know how to persuade the miners and mine-owners of West Virginia to live together in peace. Our vexatious transportation and railroad problems, our statesmen view with despair. We do not quite know how to restore friendly relations between members of the Ku Klux Klan and their Catholic and Jewish and negro neighbors. We are not quite sure just how to reduce the American murder rate to a European level. We are perplexed as to how to be absolutely certain of an anthracite coal supply next winter. Our own poor are yet poor, and little children of the slums yet suffer. Our farmers face falling prices of their products and see in despair the ruin of years of toil.

These simple problems of our simple American environment are too stiff for us; but we are told, and in many cases we actually believe, that the infinitely stiffer and deeper problems of Europe need only an application to them of American wisdom.

I am frank to say that I do not share this view either of America's capacity to save Europe or of Europe's incapacity to save itself. Europe many times has been in a situation as serious as the one from which it is now striving to emerge. European intelligence solved those previous situations—such as the ghastly one that followed the Thirty Years' War—without any help from the United States and often without even the comfort of knowing that there was ever going to be a United States.

It is not American wisdom that France and Britain want. They know that we have no special wisdom to offer. They know that they could get better special wisdom about the Ruhr, for example, from Denmark. But they do not say that Denmark is essential to the league. They do say that the United States is essential to it. What is the difference? The difference is that while Denmark is wiser about European affairs, the United States is the world's largest reservoir of money and one of the world's largest reservoirs of potential military manpower.

Let us not permit our vanity and egotism to fool us. If we accept the invitation to help France and Britain enforce the Treaty of Versailles, let us at least realize that the importunity of the invitation is due to the size of our muscles and not at all to the quality of our brains. When once, however, we have recovered from the hallucinations into which European flattery has thrown us, when we rift the dazzling veil of vanity and conceit in which we have enveloped ourselves, and when once we really clearly understand that our presence in Europe is desired simply and solely because of our sword and because of our purse, we will, I believe, reject the invitation to Geneva and reject the invitation to any and all judicial suburbs of Geneva with a unanimity which will close the matter forever.

## THE POSSIBLE FUTURE

I do not for an instant believe Europe will degenerate into chaos. Ministries may fall and governments may be overturned, but peoples will continue national life. I believe in peoples. They may indulge in excesses, even bloody terrors, but peoples finally want homes, and families, and children, yearn to live and love. The impetus of daily avocations, of hourly association, the spirit of gregarious men, will preclude, in our day, anarchial chaos. Wars there will be while antagonistic races with burning unabated hatreds face each other across imaginary boundary lines. I saw no evidence of chaos in Europe, but I saw plain evidences of future conflict. Another bloody war is in the making. I would prevent it, if I could; but if that bloody war is no concern of ours and comes from causes of which we are no part, I would not send a single American soldier again across the seas.

In Europe are the feuds of centuries. God gave us the dividing oceans. There, people must live in the days to come as in the centuries past with their hatreds and hostilities. Our forbears left behind them European feuds and began a new experiment in government in a savage and an unknown land. They bequeathed us our immortal heritage untainted with hatreds. From the God-given vantage of three thousand miles of protecting waters, we do not view these hatreds with indifference; but by becoming a part of them, we cannot aid the participants, we can only add another belligerent. And we have our racial problems, too. In France, in Italy, in Germany, and in England, there is one race, homogeneously national. We are heterogeneous. Every race on earth is part of our citizenship. Human nature does not forget, though it may forswear, the land of its birth. A controversy in Europe of one of the races abundant with us, at once arouses sympathy and advocacy here. If we become a part of a European pact, we are not only in European imbroglios, we invite controversies at home. By going into Europe, we have little chance of settling Europe's racial hatreds, and we may transfer them to our own land. There's just one course to pursue, just one way to play our proud part, just one method to render real service—speak our voice, frankly and boldly, be true to our own institutions, hold to our own ideals, be fair and just to all peoples, but standing upon our own shores, remain the master of our own destiny, the captain of our own souls.

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# ADDRESS

DELIVERED BY

M. M. ESTEE,

AT THE

Citrus Fair held in Sacramento, Cal.,

*December 14th, 1886.*

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## ADDRESS.

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MR. CHAIRMAN, LADIES AND GENTLEMEN: No stranger who visits California once but is anxious to return again. This is due to the salubrity of our climate; the variety and abundance of our agricultural and horticultural resources, and the marvelous beauty of our scenery. This country is peculiarly the home of the man who toils for his bread, and these are the people we want to come here. We need no boom that will bring millionaires; they are made here and need not be imported. This fair was not gotten up for the purpose of creating a boom for Central and Northern California. We have not marked out any line that separates the southern part of the State from either the central or the northern. We claim an honest pride in all of it. But we have come here, my friends, to educate ourselves about ourselves, and to show what, in each locality, we can best produce. Hitherto we have been strangers to the resources of our own country. We may know in a general way the topography of our State, and its sub-divisions—physical and political—but until recently we have hardly been aware of the capabilities of even the adjoining counties to those where we live. We, therefore, come to exchange ideas, and to show our products, and to see what each of us has done in the past and to learn what our possibilities are in the future.

And we embrace this opportunity to make a proffer to the world of our citrus products, and to show, also, the raisins and nuts we produce and the wines and brandies we make. There can be no deception in over two thousand separate exhibits of oranges and lemons coming from twenty-two counties, representing an area of forty-seven thousand square miles—an area larger than the great State of New York.

The people of Los Angeles first learned their own resources, then they found it easy to make others believe in them. Indeed, Southern California had no boom until that lovely country deserved it, and now the world knows that country by heart. It has promised much, but Southern California has done all it promised. Look at the carloads of oranges and lemons raised there and sent away to market; the wines and brandies that every month is sent to the East and to Europe for sale; the raisins in almost unlimited quantities that it makes, and you will learn the secret of the success of Southern California. There is a solid reality in this; it is not a fancy sketch; it is the cold argument of undisputed facts. Nor is it an unmerited boom, either, that has built up such localities as Newcastle, in Placer County; as Vaca Valley, in Solano County; as Napa Valley, in Napa County; as Oroville, in Butte County; as Los Gatos, in Santa Clara County, and other localities I might mention. Look at Newcastle to-day. It is a garden. Eight or ten years ago it was mostly covered with brush and trees. The people of Newcastle first learned by their own experience what the resources of that wonderful locality were. Others came and invested there by the



purchase of small places, planted orchards and vineyards, and the result has been that the hills around Newcastle present an unbroken network of orchard and vineyard, as enchanting as the oriental scenes of dream-land. Compared with the recent past it is a fairy-land. There they raise the orange, the lemon and the fig in the greatest perfection, side by side with the peach, the apple, the apricot, the plum, and the cherry. People now go there to live because they think it is the best place to live in, and because they will live longer there than elsewhere.

But, my friends, if a man seeks for climate alone, he can make no mistake anywhere in the State of California from San Diego to the Oregon line. I have been informed that the lowest temperature known at Red Bluff, Tehema County, is twenty-four degrees above zero, the orange prospers down to twenty. So if he seeks for a place where he can raise oranges and lemons there is not a place in slightly elevated localities from San Bernardino to Shasta County in this State, where citrus fruits cannot be raised in wonderful abundance and of the rarest excellence. If he seek a suitable spot to make heavy wines like Sherry, Port Burgundy, and some of the highest type of white wines as well as brandies, the southern counties of this State, Fresno in Central California, some of the interior valley counties, and the foot-hills are favored localities for this class of production. But if, on the other hand, one is looking for a place where light, rich, and delicious table wines can be successfully made, then Napa, Sonoma, Alameda, Contra Costa, Santa Clara and Santa Cruz are, in my judgement, the very best for the successful production of this class of wine. These

counties lie nearer the sea. The extremes of heat and cold there are not great, and the temperature never rises as it does further in the interior. The grape there ripens slowly and thus distills its high character from the soil. Hence, there is not as much sugar in the grape as in other localities, but more character and delicacy of flavor. In time, there will be produced, and indeed they do now make a light table wine of unsurpassed delicacy and rich in those unnamed essences which give wine character. Yet these counties hold no monopoly for wine and brandy production, for, as I have said before, the sister counties of the interior and of the south produce as fine wine though of a different type. The fact that nearly all the different wines, as well as the different varieties of fruits, can be produced in different localities of this State, make it conspicuously the most favored spot on the earth. In a word, California, in one respect, is like France. No one in France thinks of making fine clarets outside of that region around Bordeaux, along the Gironde, and in the Medoc, where for centuries the best and finest light clarets of the world have been produced. The best champagne is made in that little territory known as the Champagne District, and composed of less than forty-seven thousand acres of land of our measurement, and in which district there are over seventeen thousand land owners, and where there is more actual wealth invested in grape culture than in any other like extent of territory in the world. The best brandy produced is also made in France, but in a very comparatively small part of it, where owing to the peculiarities of climate and soil, the best experience of the past has shown that it was most emi-

nently fitted to produce the highest type of grape brandy. The fine Reisling wines which the world knows of, come from that little region along the river Rhine. No other place has ever equaled it for producing that character of wine, and possibly none ever will unless it be California. In raisin culture let me here say, we do not claim that the coast counties of this State can produce good raisins. As a rule there, it requires from four to five pounds of green grapes to make one pound of raisins, while at San Bernardino, Los Angeles, and the interior portion of San Diego, Fresno, Yolo, Solano, Placer, and some other counties where raisins have been made in the interior, it only requires three pounds of green grapes to make one pound of raisins, and these are infinitely superior to any we can make near the sea. It will thus appear there is no part of this great State that has not a specialty in the way of fruit and wine production, and it would be more than folly for the valley to claim superiority over the foot-hills, or for the foot-hills to claim advantage over the coast counties and the valleys, for each form a necessary part in the varied productive capacity of this wonderful State.

Let me call your attention to Vaca Valley, which lies less than forty miles from where we are standing to-night, where fruits are ripened and sent to the market at least two weeks earlier than the same fruit raised in either Sacramento or Napa Counties, or indeed elsewhere in the State. At Newcastle, Marysville and Oroville, oranges and lemons ripen six weeks earlier than they do at Riverside, Pomona, Pasadena, or any other portion of the Southern counties. Why this is so no one can tell, un-

less it be for the reason that in the Central and Northern parts of the State the days are longer in summer and the nights shorter, and the fruit advances to perfection more rapidly in midsummer by reason of these warm nights than it does in the more southern portion of the State, where the orange and lemon are produced nearer the sea, and where there is more of sea moisture. But I do not assume by this that the central and northern portions of the State are better adapted for orange and lemon culture than the south. What I do say is, that many portions of Central California are as well adapted for the growth of citrus fruits as any other part of the world. Indeed both Central and Southern California produce a splendid orange, and I am not able to say which produces the best. Thus far the south has held a monopoly of this class of products, and we have been proud of its success. Now we are in the field of competition, not to destroy, but to build up. We have been slow to make the advance, but once started nothing shall stop us.

We are here to-night, as I have said before, only to show what we can do, and to try and do that well, and, if possible, a little better than others have done before us. Indeed, this is a mutual strife for success. We possess, it is true, some advantages over Southern California, and Southern California may possess some over us. For instance, the amount of rainfall in Central and Northern California is much greater than in the south. According to the best reports we have at hand, Red Bluff, in the Sacramento Valley, has an average rainfall of twenty-eight inches a year, Sacramento twenty-two inches, San Francisco twenty-four inches, Calistoga, in Napa County,

forty inches, Los Angeles fourteen inches, and San Diego nine inches. I might here say that in any country where there is twenty inches of rainfall, irrigation is unnecessary for ordinary fruits. At the city of Paris, in France, the annual rainfall is twenty-two inches, at Marseilles twenty-three inches, at Bordeaux thirty-four inches. The average temperature of Pensacola, Florida, in winter is fifty-four degrees, although frequently the temperature falls far below any known in California. For instance, last year the St. Johns River was frozen over, and a large portion of the orange and lemon trees of that State were either seriously injured or destroyed. At Benicia, in California, the average temperature in winter is forty-nine degrees Fahrenheit; at San Francisco, fifty; at San Diego, fifty-four; Los Angeles, fifty. Thus it will be observed that our climate, north and south, is indeed more equable than the climate of any other portion of North America, for in summer, and especially in our summer nights, the temperature is not nearly as high as it is either in Florida or any other of the Southern or Eastern States, while the days may be warm, yet owing to the dryness of the atmosphere the heat is never oppressive.

The orange only grows in the most favored localities of climate and soil. It is a native of India, and from the earliest times grew wild along the southern slopes of the Himalaya mountain range north of Calcutta, in that vast region watered by the tributaries of the Ganges. When America was discovered there were no oranges on the western continent. The orange tree possesses wonderful vitality. Dr. Neish said, in a lecture delivered in 1884, in Kingston, Jamaica, that it was almost impossible to tell



how long an orange tree will survive under favorable circumstances, and illustrated his statement by saying that there was one orange tree at the convent of Santa Sabina, Rome, 684 years old. It is known that the orange groves planted by the Moors, at Cordova, in Spain, still flourish and bear abundantly, and that at the Moorish palace of Alcazua there is an orange tree 600 years old. The orange requires sunshine. The tree should be planted widely apart. The limbs of one tree should never interlace or meet the limbs of another tree. Heat and water are both necessary to the full development of the orange. This tree will flourish in almost any friable soil, but all land should be enriched for the orange, and wood-ashes, sandy loam and old manure is the best for that purpose.

In Europe, the orange grows well as far north as the forty-second degree of north latitude. None of the orange producing parts of California reaches beyond that. As to temperature, the orange flourishes best where the medium temperature is about forty in winter and eighty degrees Fahrenheit in the summer. No place in California is that cold in winter. The seedling orange stands the cold better than grafts, and lives much longer and bears better. Grafted trees bear earlier, but they are short lived and rarely produce abundantly more than fifteen to twenty years.

The olive fills a most conspicuous place in the fruit culture of California. Santa Barbara County is at present far in the lead in olive culture. Let me here say that the three counties of San Luis, Ventura and Santa Barbara are eminently suited to the olive. The olive is



a profitable tree in California. Italy is one of the great olive producing countries. The territorial extent of Italy is about 114,000 square miles; California has 156,591 square miles. Italy is situated between the thirty-eighth and forty-sixth degree of north latitude, and has a population of 28,000,000. In 1879, 2,224,000 acres of land in Italy were used in the cultivation of the olive alone, which produced in oil about 90,000,000 of gallons, besides pickles and other uses to which the olive was applied. The whole olive crop of Italy brings in an annual income of about \$40,000,000. California is the home of the olive. The possibilities of olive culture in this State are simply boundless. The olive tree will stand great drought, will grow among rocks, and often on poor land will flourish on fifteen inches of rainfall a year. It prospers along fences and on avenues, and in uncultivated places in Central and Northern California it requires no irrigation. It bears but one good crop in two years; is a beautiful evergreen; can be propagated from cuttings; lives to a great age, and increases in product until it is twenty to thirty years old. Its true home is near the sea coast.

The almond grows well and produces well in California. This is a semi-tropical nut, and is a native of Barbary, Africa. It stands drought well, and prospers best in friable land. A large part of California, north and south, is especially adapted to the almond. It will stand frost down to ten or fifteen degrees above zero, Fahr., will grow without irrigation in all of the north and central portions of the State, and in most of the south.

But the capabilities of California to produce all these things is not enough ; nor is it enough to produce them in great abundance. We must have a population to do this. We cannot have that population unless we offer inducements for them to come here. When people come here to make a home with us they must have an opportunity to buy one at reasonable figures, and, if need be, to buy a few acres of land only. In my judgment, that man is infinitely more useful to this State who can teach people here how to make money from small farms, than he who has ample means when he comes here to buy a large one. The mistake in Central and Northern California has been that much of the good land was held in vast tracts by a few wealthy people who would not sell in small pieces at fair figures. This was a mistake. Happily this is changing ; fruit farms can now be obtained at fair prices in the most favored localities. The best proof of this mistake will be readily observed in the present condition of our foot-hill country. However rugged and forbidding these foot-hills once seemed to us, they are now being settled up rapidly by an industrious and intelligent people, even though the land has to be cleared of timber and grubbed out before it can be cultivated. Take Calaveras, Amador, El Dorado, Placer, Butte, Yuba, Shasta, and even part of Nevada County, forming a large portion of the foot-hill country in Central and Northern California, agriculture and horticulture has, in the past few years, advanced amazingly. I am informed by reliable authority that at least one-half of the foot-hill lands which was once deemed next to worthless, has either been taken up, fenced or cultivated within the last

five or six years. The other half is still unoccupied. Compare Newcastle and Auburn, Napa Valley and Sonoma, and Vaca Valley, to some of the other localities where lands were and still are held in large tracts only, and the comparison is immeasurably in favor of the localities where small farms exist and where the people commenced poor.

In Placer County there were no Mexican grants. The land was public land. Poor people commenced to settle there because they could get a home there, and for a reasonable price. In Vaca Valley, which to-day is one of the most delightful fruit-growing portions of the State, land was cut up and sold in small lots, and though it is a favorable locality for fruit, yet but for the small farms it is certain this never would have been known. In Napa Valley, where nearly one-third of the wine of this State is made, and where there are one hundred and thirty wine cellars, besides many orchards, the land was early divided up in small tracts and sold to small purchasers. Around Los Gatos, in Santa Clara County, and in some portions of Santa Cruz, the same thing is most notably observed. So it is also to a very large extent in old Sonoma Valley. Indeed you may go away up north and note the improvements in Shasta County, remote as it is from a market, nearly all woods which has to be cleared for cultivation, the clearing of which requires a vast deal of labor; and yet no northern county is increasing in population more rapidly. Most of the land there was public land.

But, my friends, there is still another evil in California which we are alone to blame for, and which we must remedy if we would encourage an en-

lightened and Christian immigration to our State. And to remedy this we must talk about it, and if need be denounce it. If we would make this State attractive to the best class of immigration, we must punish crime; make every man who commits murder feel sure that the gallows stares him in the face; that he cannot any longer fool the jury that is to try him, or begot the Court before whom his trial is had, and that that maudlin sentimentality which forgets the innocent dead and believes only the story of the criminal who is alive, shall no longer prevail in this State; but rather that the peace and the security of society, as well as the fair fame of our State, shall be upheld by the certain punishment of criminals, and if need be to the fullest extent of the law.

In a land where nature has been so unsparing in her generous gifts, man should not mar or deface the beautiful prize. Where all inanimate things are so near perfection, man alone should not be imperfect. The great mountains which sit in majestic solitude behind us, the ocean that lies in measureless distance before us, the sunny sky that arches above our heads, and the exhaustless treasures of the earth beneath our feet, should inspire us to the noblest and purest ambition that can animate the human heart. We have reached the boundary line. Let this, the stopping place on the westward march of empire, be made as illustrious by man's achievement as it is marvellous in the greatness and in the abundance of God's bounty.







# The Free and Unlimited Coinage

OF BOTH

## GOLD AND SILVER

Is Necessary to Secure Industrial Prosperity  
in the United States.

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MORRIS M. ESTEE.

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The modern way of increasing the interest on money is to increase the purchasing power of the principal sum, without changing the specified rate of interest. For many years England has done this. The creditor classes of America are now imitating her example. This is dishonest. It benefits the creditors, but ruins the debtors.

Nothing can be truer than that the financial resources of this country are attacked when we attempt to destroy one part of our metallic money, for by this means the value of products are lowered, the amount of our debts is increased (because the purchasing power of money is greater as the amount of money becomes less), and hard times ensue.

Constitutional law as well as the customs of our country, marks out a financial policy which makes necessary the full and free coinage of gold and silver money. In this connection it may be stated as a general proposition, there are but two international money metals, gold and silver. Gold being the rarest and most difficult to obtain, is the most valuable. Silver has always been used as money, and is the most con-

venient for small transactions. It is the money of the people, and is used alike by the beggar and the prince. In our own country, thousands of transactions are made in silver where one is made in gold. East of the Missouri river there is practically no gold in use. Silver coin and paper are the only moneys in circulation.

The coin value of silver in the United States compared with the coin value of gold is as sixteen to one ; that is, the coin value of sixteen ounces of silver, 900 fine, is equal to one ounce of gold.

The Constitution of the United States provides, that:

“The Congress shall have power \* \* \* to coin money and regulate the value thereof ;” and further—“that no State \* \* \* shall make anything but gold and silver a tender in payment of debts.” (Sections 8 and 10, Article 1, Constitution.)

It is constitutional law, that no State can make anything but gold and silver coin a tender in payment of debts. Under this plain constitutional provision, a State can make both gold and silver a legal tender. But it cannot make one a legal tender and prohibit the use of the other. Both metals were selected by the builders of our government as the necessary money metals of our country.

#### POWER OF CONGRESS.

Congress has no powers except such as are conferred upon it. The States retain all the powers not expressly taken from them. The general government coins money, and it coins the money that the Constitution prescribes, but the States are authorized to make gold and silver the only legal tender in payment of debts. In a word, the States can indicate the purposes for which the money so coined by Congress can be used ; but Congress cannot, by refusing to coin gold and silver, prevent the States from establishing a legal tender which the Constitution directs.

When Congress is given power to coin money, it means only those kinds of money which the same instrument says shall be a legal tender in payment of debts. This clause of the Constitution clearly points out to the States the duty which they have to perform. The Supreme Court has decided that Congress has the power to make paper money a legal tender. The States cannot do this. Congress has no power to demonetize any money which the States may declare a legal tender; *nor is there anything in the Constitution which directly or indirectly gives to Congress the authority to demonetize any constitutional coin.* It may coin money; it may coin gold and silver, but nowhere is Congress given the authority to destroy gold or silver as money.

As a question of national policy, there are many reasons why this should not be done. The United States produces more gold and silver than any other country, and the largest possible use of both metals encourages production and adds to the stable money power of the people.

In 1893, the world produced in gold and silver about \$363,892,800. The United States produced \$113,531,000, or about one third. During the first ten months of the year 1894, there was exported from the United States, in excess of our imports of gold, more than seventy-three millions of dollars. This was necessary to sustain our balances of trade and pay our indebtedness to foreign countries. Hitherto, the policy of our government has been to increase the exports of products, and decrease the exports of gold so that our trade balances would be sustained without the use of money, but the change in our revenue laws, and the admission into our country of free and cheap raw material and of more foreign manufactured articles; has disturbed the courses of trade and thus caused a marked change in the amount of our exports and imports. We are now compelled to send out of the country more money to meet the demands which these new conditions impose upon us, and should we continue to export the same proportionate amount of gold for the next five years as during the last ten

months, there will be very little, if any, gold left in the country, because a large part of the gold in the United States is not obtainable either for exportation or business purposes. The recent large shipment of American Gold to Europe has surprised the gold people. It had been claimed that, when silver money and silver certificates were out of the way, gold would be abundant. But gold has not been abundant, nor has it remained at home, nor have our foreign and domestic markets improved. It matters not whether gold goes abroad to pay our trade balances, or is sent abroad for sale as a speculation, the result is the same—our favorite money is going away from us, and it leaves only paper money to do business with here. In a word, we have assisted England and Germany in making gold so valuable to them that it has become useless to us, for we cannot keep it at home. Silver has not driven it away. Free coinage is not the reason for its going, as we have not had free coinage. It is the result of new financial theories, the threatened and actual change in our tariff laws, and our conspiring to build up gold at the expense of silver, by driving it out of common use in the business and commercial centers of our country.

#### OUR CREDIT ABROAD.

American credit must be sustained by Americans. Our prosperity and our ability to pay is the crucial test of our credit. One thing is certain : when we are not prospering at home we have no credit abroad. Being a debtor nation, we have no foreign balances in our favor, and when our exports do not largely exceed our imports, gold leaves, whether we have the free coinage of silver or not. The question resolves itself into this : Shall we have two money metals or none? We may try to retain gold, but we cannot do so if we demonetize silver. In times of prosperity we receive from abroad more money than we pay out; in times of business depression we pay abroad more money than we receive from there. This is so because our foreign creditors become

alarmed and lose confidence in us, as we lose confidence in our ability to pay. When the value of our export products does not equal what we must pay abroad, and, as we increase the amount and value of our imported luxuries, we have to meet the difference in money; and when we join our foreign creditors in declaring that silver is not good money for home use, it will not be good money elsewhere. Thus gold will go out of the country in the same ratio as the excess of imports comes into it.

American mines in 1893 produced about forty-five millions of dollars of gold. The arts, and losses in transportation and other causes, took about fifteen millions, leaving last year's increased gold supply of the country for coin purposes, if all was retained here, about thirty millions of dollars. When we bear in mind that our increase of population and of business demands a constant increase of money, it will be noted that this increase of our gold supply will not exceed the home demand, and should the present tariff laws be continued and no change made in our coinage acts, gold will leave the country in the future, to meet our foreign obligations as it has done in the past, and the more gold we mine, the more will go abroad.

When we export money we take from our own people the most potential instrument of trade and commerce, but when we export our surplus products, we merely find a market for what we do not wish to use in our own country, and thereby increase our profits. And again: the interest on American securities held in Europe payable in coin is enormous, and must be met; and yet, in view of all these facts, we join hands with England in making gold more and more valuable and silver less and less valuable.

It is only within the past few years, and with a very few nations, that silver has been demonetized, and yet in those countries where gold is recognized as the only money metal, paper is the money of commerce because business cannot be done with gold alone. Bank bills, checks and drafts are the customary means of transferring values.



Mr. James Platt, the great English writer on finance, says:

“Money is nothing else than a form of credit, a thing, whatever its substance, which men by common consent have agreed to recognize as a symbol of wealth.”

(Page 88 of his book on “Money.”)

As money is a “symbol of wealth” it would seem that, the more money, the greater our wealth, unless the increase of quantity decreases the quality or value, until it ceases to symbolize wealth. In this connection, some things are self-evident.

#### SILVER ONE OF OUR CONSPICUOUS PRODUCTS.

It is a fact that as there is not enough gold to perform all the functions of money or to transact the business of the country, we must have some money other than gold, that silver has intrinsic value and in that respect it is better than paper money. Therefore we must have some silver as a part of our “symbol of wealth,” for use as change.

When we increase the forms of credit in our country, we enlarge our business possibilities, and we accomplish this by increasing the amount and uses of silver money. Silver is one of the conspicuous products of the United States, the output of our mines for 1893 being seventy-seven millions of dollars. Like gold, it is used in the arts and as money. Millions and millions of dollars of this metal is in daily use in gold countries as subsidiary coin. England is compelled to use over \$100,000,000 of silver subsidiary coin to make change. Is it business wisdom for America to join England in making one of our products, whatever the character of that product, less valuable? And what adds to the folly of this act is; that we assume to do it in defense of American credit, and we commence by destroying the value of millions of dollars of American silver. Every thoughtful man knows that we could not sustain our domestic or foreign credit an hour if such credit was based upon the amount of gold in



circulation. If the people holding United States currency should demand gold from the Treasury of the United States, they could not obtain it, nor could any bank in the country which issues paper money redeem that paper in gold in any monetary crisis.

It is clear that gold is not omnipotent as money, and it is equally clear that there is not gold enough in the world to stand behind and sustain the world's credit or to transact the world's business. Nor is there gold enough in the United States to stand behind and sustain American credit. Gold and silver combined can come nearer accomplishing this purpose. If silver is used at all as money it should be given full credit to the extent of the amount required for circulation, and the largest possible amount should be put in circulation, because this would enlarge our credit. The name of gold is used for big transactions, but the fact is gold itself is not used. When great financial stress comes gold is of little value to the business world, because the business world cannot get it. It is then hidden away by those who wish to save something from the general wreck.

Hoarded money is non-earning money. The secret of business success is to have every dollar earning something and to have every man employed and at fair wages. Work is a source of wealth. We cannot have labor without laborers, but we can increase wealth without increasing the number of millionaires. This should be the chief purpose of our financial legislation.

#### VALUE OF MONEY.

The value of money depends largely upon what is done with it at home and not upon what it will bring abroad. Money which circulates most, whether gold or silver, is the best for the people using it. Money that every one wishes to keep is of little benefit in business, for, like jewels, it may be too valuable for use. All money must have something *in it or behind it*. The security standing behind money

is in most cases the wealth of the nation issuing it. Take England. Its public debt is \$3,277,888,000 payable in gold, and yet the whole amount of gold which England has is but \$510,000,000. It is thus observed that it is not English gold which maintains English credit; it is her vast resources, her honor and her custom of paying what she owes.

Though gold is less bulky, it is no more convenient a form of money than silver, and it never has been in common use among the masses of the American people. Silver is so used because it is the money of small transactions. Infinitely more people use silver than gold, and therefore when we demonetize that metal more people will be injured than if we should demonetize gold. Small transactions multiply as our population increases, and it is these transactions which sustain the home markets, the business enterprises and the credit of the nation. It is the modest accumulations of the many and not the vast fortunes of the few which most benefit the country. Wall street could not exist an hour but for the great Republic with its teeming wealth and its sixty-five millions of people which stand behind it. It is the fact that it is the clearing house for the business enterprises of the nation which makes it powerful. In itself and of itself Wall street creates nothing, has no power and no credit except such as the rest of the country gives to it.

#### FRANCE A SILVER COUNTRY.

Take France as an example. The population of that great Republic is about thirty-eight millions. Over four millions of the people are owners and investors in French rents (their national securities), which securities earn about three per cent. per annum. France is a silver country. It has \$700,000,000 of silver in circulation and also has \$1,000,000,000 of gold. Nearly four millions of the people of France are depositors in its savings banks and more than one-half of the money so deposited is silver. Eight millions of the French people own real estate. No country in the

world shows such an uniform and universal distribution of property among the people; and yet most of the money in circulation among the producers of France is silver and will not pass as money in England (150 miles away), in Germany, adjoining France on the north, or in the United States, the greatest republic in the world.

The fact that Germany, England and the United States do not want French money benefits France. These three nations require what France produces both from the soil and from the factory. They purchase French wines, French prunes, French silks and French woolen goods, but French money stays at home among her people. Germany intended to destroy France financially by demonetizing silver at a time when France owed her a large amount, yet the result has been that France is growing rich. She has a kind of money which benefits her own people, and so long as the French people are prosperous French credit is good everywhere. Compare France with England and note the difference. In the latter the few are rich and the many are poor, yet England is the greatest creditor nation. Foreign people owe English capitalists more than eight billions of dollars, but the mass of Englishmen are no better off because of the existence of this vast wealth. Sixty-nine per cent. of her farm lands is cultivated by renters, while in France nearly every elector in the rural districts cultivates his own land. The population of England is about twenty-nine millions, only 240,000 of whom are owners of English government securities. The national debt is the enormous sum of \$3,277,588,000, which, together with the debt of her colonies, reaches the vast amount of \$5,400,000,000, payable in gold. There is not gold enough obtainable to pay a fourth of this sum, and yet England assumes to pay in gold.

It is true English laborers receive higher wages than do French laborers, but the English produce little from the soil. They buy nearly everything they consume. The French, on the contrary, produce nearly everything they consume and buy little. They maintain and build up home

markets by buying home productions, and thus keep their money at home. The fact cannot be too strongly emphasized that what will most benefit our country is a monetary system that promotes home enterprises, and that system accomplishes this best which represents home and not foreign money values. If it were possible to have an international coin, with a fixed international value, it would doubtless be better for the people of the world. This at present is impossible, but when we have both gold and silver we have a metallic money which will fit every transaction and which will find its way into every man's pocket. The tendency then is to distribute wealth more uniformly among the people and thereby benefit the nation. Hence the first duty of this country would seem to be to build up its own industries by the wise use of its own money, then its credit abroad will care for itself.

#### AMERICAN MONEY FOR AMERICAN CIRCULATION.

A country like the United States, which is so busy maintaining its foreign credit that it forgets to pay any attention to its home industries, cannot long maintain either its foreign or domestic credit. More of the American people have been out of employment the past two years than at any other period in thirty years. New systems of revenue and of finance have been introduced until we have but little revenue and even less knowledge of finance. We have been trying to legislate confidence into the country by driving money out of it. True some of the financiers of New York and of England declare that free coinage of silver will disrupt our financial system. When a financial system benefits only those who have money to loan it is the wrong system and should be disrupted. The present system is un-American and it should be done away with. It is also claimed that if we coin silver gold will leave the country. Is this true? Why, gold is leaving the country now faster than the Government can borrow it, and, as stated, it will continue to leave unless we have something else to send abroad to.



pay our debts. We should coin American money for American circulation, because all money is a commodity when it leaves the country which issues it. What is of most interest to us is the amount which the surplus products of our farms and our factories will sell for, not what our money will bring. We have but little money compared with the limitless extent of our productions. There has not been three months in the last two years during which the producing classes of America have not lost more money by the depreciation in the value of labor and the productions of labor than the full amount of all the gold in the country.

Our corporate, municipal, state and national bonded indebtedness is more than twenty times the amount of our gold, most of which is payable in coin, and of all kinds of property we have about \$66,000,000,000. It would be ridiculous to say that \$584,000,000 of gold could sustain the value of all this vast property.

American gold people cannot disassociate the value of American gold and silver bullion in a foreign market from the value and uses of American gold and silver coin at home. They talk of gold money as though it was the only evidence of wealth. It is our farms, the products of our farms, our cities and towns, our railroads and factories, our mines of gold and silver, of coal and iron, the great extent of our territory and the thrift and push and energy of our people, which constitute our wealth and which are the source of our credit.

#### GOLD DOES NOT SUSTAIN OUR CREDIT.

If the War of 1861 were repeated there is not a bank in the country which issues paper money redeemable in gold that could, on demand, pay out gold in twenty-four hours after the war began. When our credit is attacked gold does not sustain it. It is simply the old story that when everybody wants gold there is none; when nobody wants it there is plenty. There never can be too much metallic money. An abundance of gold and silver never caused an undue in-

flation in prices. Gold is needed, silver is needed, and property of every kind, and in vast amounts, is needed to sustain our business credit and maintain our enterprises. You cannot attack the value of one kind of property without materially affecting the value of all property.

Credit is born of confidence and confidence comes from seeing the product of the farm selling for good prices, from hearing the wheels of machinery in action, from knowing that commerce moves in its wonted channels, from feeling the financial pulsation which an increased output of our mines gives to the country.

It is a fact that the value and amount of silver money in circulation largely fixes the value of commodities and thus builds up business confidence. Look at the rise and fall of wheat and the rise and fall of silver bullion. They parallel each other. This is so for many reasons, which reasons reach beyond the scope of this subject. The fact is the producers of raw material need more money to sustain their business than any other class of people, and in a country like ours the parity of the coin value of gold and silver must be maintained or the prices of products will not be sustained. No workingman ever refused a silver dollar in payment for his labor. Why should the Wall-street banker refuse to let that same dollar pass through the clearing-house when he knows that four-fifths of the American people gladly accept it as money?

It is a fact that American markets, American labor and American money must be sustained at home. We cannot have business prosperity when the products of the farm and the factory sell at a loss. We can no more rely for our success upon European theories of finance than upon European values of labor. This nation is a nation unto itself. Our form of government, the variety and amount of our productions, our vast territory, our isolation from the older and more populous civilizations of the world, and the marvel and mystery of our growth, show clearly that our civilization is a creation of our own, and not an imitation of others.



In the United States, the west and south are the producing portions. The majority of the people of these sections are in favor of the free coinage of silver because it will make more money, safe money and cheap money. The silver producers are interested in the free coinage of that metal, because it will increase the amount of and the demand for the productions of their mines and thus encourage their development, and enlarge their output. The debtor classes, those who owe money to the capitalists of the east, are interested in the free coinage of silver because they reason that gold and silver are the money metals of the Constitution; that when they borrowed the money they now owe, gold and silver were in general circulation in the United States, and that after the creation of these debts, any effort made by the creditor classes to demonetize silver, thereby decreasing the amount of money in circulation, is dishonest because it makes money dear and the debt greater.

#### RESULT OF FINANCIAL LEGISLATION.

The Sherman bill was a poor make-shift for free coinage, but it was better than nothing. It provided for the purchase in open market of four million dollars worth of silver monthly, and the issuance of a like amount of silver certificates as the representative of that metal. This act is now repealed, and the plain, undeniable result of all this financial legislation is, that the value of gold has increased and the value of commodities has uniformly decreased. Hence it takes more of the products of labor or of capital to pay any given amount of debt now than it did when silver was freely coined. Tinkering with financial questions is dangerous. The very uncertainty which it causes imperils business and injures credit. The remedies proposed are often worse than the disease, for stability is the chief object to be attained in monetary affairs. The fact that gold and silver are practically indestructible, gives to both these metals a monetary value in the business and financial world which the creditor classes cannot destroy, nor the debtor classes unduly inflate.

It is the stability of these metals which, when not interfered with by local law, should maintain their parity of value.

There is a financial war in progress. It is a struggle between the creditor and the debtor classes, between those who have money to sell and those who have products to sell, between the producers and the consumers. The question is, shall we make money scarce and valuable and products cheap, or products valuable and money cheap? The gold people declare that the increase of the purchasing power of gold and the consequent lowering of the values of property do not injure the producer, because the same amount of money will buy a like amount of things now as before the exaltation of gold.

The argument is specious. There are \$584,000,000 of gold in the United States and fully \$66,000,000,000 of property. The most of the American people own some property; but there are not to exceed one hundred thousand of the American people who have any considerable amount of gold.

#### FREE COINAGE OF SILVER.

Two objections are urged against the free coinage of silver: one that it will drive gold out of the country; the other that it will create an undue inflation of prices. It has been shown that the United States is a debtor nation; and, as we have to pay to foreign peoples a large amount of money annually, the only way to keep that money at home is to maintain prosperity at home. It is axiomatic that a country is not prosperous, although its securities may sell at a premium, if its products sell at a loss. There is something radically wrong when national credit is good and private credit bad. The American people are not prosperous, and the best proof of the unfavorable condition of the business of the country is that the government is running in debt to meet its usual and ordinary expenses. Indeed it is borrowing money to send out of the country and coining no money which will stay at home.

It has been asserted that the free coinage of silver will make it necessary to protect our country against the undue importation of foreign silver bullion brought for coinage at the mints of the United States. This will not be the case because most of the foreign silver money now in existence passes as such at par in the countries coining it, and for eign silver bullion will not seek American coinage unless it at the same time seeks American investment, because while American coined silver, like American coined gold, is money here, it is only a commodity abroad, and will there sell as bullion.

On the 31st of December, 1893, there were 175,441 miles of completed railroad in the United States. These roads were built at the nominal cost of \$11,855,968,166 and their outstanding liabilities are \$11,443,888,892. Of this vast amount \$5,470,292,713 is bonded indebtedness, most of it due in twenty years. A large portion of this bonded indebtedness is held in Europe, the principal and interest payable in coin. It is thus inevitable that for this purpose alone, and for many years to come, there will be a large European demand for American gold. In view of these facts, a necessity for an increased coinage of silver seems apparent. The fact is, gold cannot be obtained to meet our ever accumulating foreign indebtedness unless our exports of products are largely increased. A day of reckoning will come. Let a great war break out and note the result. Instead of one-sixth of all the railroads of the country being in the hands of receivers, as is the case now, five-sixths of them will be in that condition. This would destroy public and private credit. It would do more harm than to pay our debts in silver for a century. The business world cannot pay its debts in gold; and that country which adopts both metals as the basis of its monetary system will, in the long run, have more money, better money, and will do more business at home and a safer business abroad than under a single standard. If foreign wars or

foreign trade take the gold out of the country, silver will remain; if silver goes, gold will remain.

#### REMEDY FOR PRESENT CONDITIONS.

If asked to suggest a remedy for present conditions, three present themselves. Neither one may fully meet expectations. They are:

1. The full and unlimited coinage of silver.
2. The free coinage of silver produced in the United States.
3. The equal coinage of both gold and silver.

No one man ever invented a perfect financial system; it cannot be created alone by legislative enactment; it is a growth; it comes with the varied teachings of success and failure.

The position of the United States on the Western Continent and in the financial world, demands that it should have a distinctive financial policy. We cannot imitate the English principles of revenue and finance unless we do so at the expense of our own people. The United States produce gold and silver in large quantities. We produce more raw material than any other people, and if we protect our home markets and consume at home to the extent of our needs what we produce at home, our exports will exceed our imports and gold will not leave the country.

The principle of protection and the free coinage of silver are both necessary to the fullest and highest industrial development of America. You cannot in reason defend the one, without maintaining the other. In this respect, the position taken by Mr. Cleveland is logical. He is a gold monometallist and in favor of free trade. Both positions are un-American and will not survive another presidential election; but they go hand in hand and form the twin mistakes of this Congress and of the National Democratic party.

## CONCLUSION.

In conclusion, there is a selfish side to the money question. The people who have gold want to make it more valuable; the people who have silver want to make it more valuable. The gold people want to demonetize silver because it is cheap, and to do this they would drive out of the world's money circulation \$4,000,000,000 of silver. But the great masses of the enterprising people, the producers of wealth, those who have their fortunes yet to make, want both money metals, because this will create more metallic and cheaper money, and thus encourage and promote private enterprises.

Hitherto the American producers have been numbered among the voiceless millions, but they will be heard at the next presidential election. It is a happy omen for the future of American politics that new issues are being submitted to the people. As a result past dissensions will be forgotten, different sectional lines will be drawn as new principles are evolved, parties will divide on the money question, and that party which either evades the free coinage of silver or is opposed to the same, will fail.

In the United States, as elsewhere, money is power, and every year the rich are becoming more powerful. Those who have little are naturally jealous of those who have much. The responsibility resting upon the rich is becoming greater. Money cannot safely corner the industrial pursuits of a great nation. A free people may be deceived and misled for a time, but in the end they will do the right thing. While the influence of Wall Street is great, as a factor in American politics its *very name* is a source of weakness, and in the near future, American finance will figure in American politics.

To recapitulate: the United States is a young nation, as we measure the ages of nations, yet as a financial and political power there is no nation that equals it. Its vast



territory, its limitless undeveloped resources, its productions of raw material, the liberal wages paid to labor, and the universal dissemination of intelligence through its free public schools and the public press, all combine to give to the American people, when moved in one direction, an irresistible force. The conditions which surround the American industrial classes necessarily demand of them monetary and revenue principles different from those of any other people. European theories of finance can no more succeed on American soil than can European theories of government. A vast majority of the monetary transactions of our country is done at home with our own people, and so money is valuable in America for what it will do here and not for what it is worth in some foreign country.

That political party which seeks to obtain power in the United States or which expects to be perpetuated in power, must have the support of the industrial people of this country. Without such support it can never succeed. For after all, it is the mite of the poor, the small fortunes which labor has garnered up, the daily toil of the millions in the field and in the factory that accumulates and forms the great sum of American wealth. It is the patriotic millions who work that compose the American industrial army in peace, and the army for national defense in war. The claims of these people for justice must be heard and must be heeded.







M. M. Estee's  
Speech

# Finance and Protection



Republican Speech of
Morris M. Estee . . .
Delivered at . . . .
The Auditorium . . .
San Francisco, Cal. .
August 29th, 1896 .



# Finance and Protection

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REPUBLICAN SPEECH

— OF —

## Morris M. Estee

— DELIVERED AT —

THE AUDITORIUM, SAN FRANCISCO, CAL.

August 29th, 1896

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FELLOW CITIZENS:

Every Presidential election is a test of the strength of the Republic. This election will not only test its strength, but it will be a test of the intelligence and patriotism of the people. The questions involved are of the most vital importance. The honor and integrity of the Nation is at issue; and when the honor of the people is attacked its national existence is imperiled.

No thoughtful man can read Mr. Bryan's speech made in New York without coming to the conclusion that his argument was intended to array one class of the American people against another, by showing how intolerable is the condition of the poor in America, and how tyrannical the conduct of the rich. No candidate can be either wise or fair who appeals to the people for votes on the ground of their poverty or of their wealth. Nor is it a fact, as intimated by Mr.

Bryan, that the poor are all in his party and the rich all in the Republican party. It is true that the rich silver mine owners of our country all belong to Mr. Bryan's party; that the richest journalist on the American continent, and many times a millionaire, supports him; that the richest ship builder and banker in Maine is on the ticket with him as a candidate for Vice-President, and that the Standard Oil King and the richest man in the United States Senate is claimed to be his supporter.

These facts do not necessarily injure Mr. Bryan or his party, but they show that his classification of Americans is wrong.

Let me say that the present condition of our poor—bad as it is—is infinitely better than that of any other poor people on the face of the earth; and Mr. Bryan's apparent desire to mark out distinctions in America between "the classes and the masses," as he terms them, and to embitter one class of our fellow citizens against the other, cannot be defended. There is no other country where the poor have the same equal political rights with the rich, and where the law is not a respecter of persons. and where birth is no road to honor. Here the rich and the poor live together in harmony and follow the paths of industry and the pursuits of peace. Both are necessary to each other, and to our country.

You cannot classify our people; for a man is rich to-day and poor to-morrow. The love of country, the means of education, the free exercise of religious convictions, and the rewards of ambition, are open alike to all men. No true American ever observes a distinction between the so-called "masses" and the "classes."

It is true, some succeed and some fail; for industry, intelligence and virtue find their rewards here as in other civilized countries. But nowhere on God's beautiful earth are all men so well cared for, both by the bounteous hand of nature and the liberal hand of wise statesmanship, as in America. Every American, rich or poor, should bow his head in gratitude and say:

"Great God, I thank Thee for this home,  
This bounteous birth-land of the free."



No, no, fellow citizens; this country is not in the condition that Mr. Bryan would picture it.

The future is full of hope for our people. The rich and the poor of our country have always stood together in defense of the right. They have defended the flag on an hundred battlefields. They have lain side by side in the bivouac of the camp, and they have marched shoulder to shoulder in the deadly charge.

The distinctions between the rich and the poor, the high and the low, the common and the uncommon people are only heard of just before an election, and then only for political purposes.

#### THE DEMOCRATIC PLATFORM.

Mr. Bryan endorses, with much emphasis, the plank in the Chicago platform as a reform measure, which reads as follows:

“We are opposed to the issue of interest bearing bonds by the United States in time of peace, and condemn the trafficking with banking syndicates, which, in exchange for bonds, and at an enormous profit to themselves, supply the Federal Treasury with gold to maintain the policy of gold monometallism.”

This is good. It was taken bodily (except the charge of corruption) from the preamble of the Republican platform. But what I desire to say is, it was the free traders, like Mr. Bryan, who made it necessary to issue the bonds referred to, or repudiate our National obligations. No Republican favored the issuance of bonds or the forming of a “banking syndicate” (if one was formed), nor did any Republican make money “by an exchange of those bonds at an enormous profit.” If this was done, those who did it were Democrats, and are mostly Bryan-Democrats to-day. In a word, the Chicago Democracy made a platform to protect the people of this country against their own acts, and it was the best thing they did.

I have never questioned the personal integrity of Mr. Cleveland or Mr. Carlisle. I do not like their political principles. But no President of the United States or Secretary

of the Treasury has ever before been charged with personal dishonesty, and I believe this charge is false.

There is something wrong with that party, or with that man, who never sees any good in others, and who has no confidence in mankind. Such a party, or such a man, must be trying to cover up its own or his own mistakes by deceptive complaints, false charges or pretended reforms.

It is contrary to all precedent for a candidate for the Presidency of the United States to enter into the political arena and engage in personalities, thus making the contest a personal, rather than a national one.

Mr. Bryan claims, as the representative of his party, to be the people's only friend. What has he ever done for the laboring poor of this country? His party and his free trade principles have come nearer making the conditions of the American poor unbearable than all else beside. Can he show us how the condition of the poor will be better if we have free trade and free silver?

#### BRYAN SUPPORTED CLEVELAND AND GOLD.

The absurdity of the position of the Populistic Democracy on the silver question is shown by the fact that they now appear as the defenders of the free coinage of silver when, for twelve years, they have supported, and twice elected, as President, the most distinguished gold monometallist of our country, and Mr. Bryan four years ago made speeches in favor of Mr. Cleveland's election, knowing him to be a gold monometallist.

Then the Democracy and Bryan were for a low tariff or no tariff; they never once thought of the silver question. Failing in that, they pick up silver.

It has been well said they want free silver to make things high, and free trade to make things low. Which do they want most?

They demand that Government bonds shall be paid in silver, although they have just issued two hundred and sixty-two millions of United States bonds for which they received gold and which gold went into the United States Treasury, and which on every principal of honor must be

paid in gold. The Republican Party never repudiates an honest debt, even though it is a Democratic debt.

They voted for what they call "the crime of 1873," and now they are trying to sustain their new found principles by denying it.

They decry the use of the National forces to put down riots, when it is made the sworn duty of every President to enforce the laws. They stand at the gates of commerce and open them wide to let foreigners into our country to control American markets, but they refuse to protect American labor at home. They have adopted foreign revenue principles and have always opposed protection to American labor and favored free trade, and now they denounce our financial system because they say it is un-American.

After throwing out of employment over three millions of American laborers, they declare they are for American labor, but they do not provide American laborers with one day's work.

They turn their Pharisaical faces towards Mt. Sinai and in solemn accents repeat, "Thou shalt not steal." They are just learning this commandment as they go out of office: they ought to have known it when they went in.

In a word, in times of profound peace, they have imperiled the good order of the country, run the nation into debt, stopped the wheels of machinery, lowered the value of American products, ruined our credit at home and abroad, increased our indebtedness, and, in so far as they could, have brought want and distress to the peaceful homes of every worker in every department of labor in all this broad land; and now, as a climax of the situation, they ask the American people for a vote of confidence.

#### WAGES OF LABOR.

The prosperity of this country depends upon the wages paid to labor. If free coinage of silver will give more honest money for an honest day's work than without it, then we should have free coinage, for labor is the source of wealth and the more actual value labor will earn, either in money or things, the better it will be for the country. Unless the honor of the nation is involved by such acts.

If protection will accomplish this purpose best, then you will agree with me we should have protection.

Let us first consider what would be the effect of the free and unlimited coinage of silver on American labor at this time. Would it promote industries? Would it increase our wealth? Would it benefit the workers themselves, or would it be best to increase the opportunities for work first, and then make secure good wages from the result of such employment afterwards? Observe the present situation.

#### GOLD CONTRACTS.

Every banker and every capitalist makes a contract with each man who owes *him*, that *his* debt shall be paid in gold coin. Our Supreme Court, many years ago, decided that such contracts were legal. So the capitalists and bankers will get their money in gold. They will not suffer by reason of the monetary revolution caused by the free coinage of silver. Every man who has money to loan will continue to insist upon specific contracts for the payment of all debts due him in gold. He has the legal right to do this. It will be to his interest to do it, and so the creditor class, under any circumstances, lose nothing by the free coinage of silver. Our mortgages will all have to be paid in gold, and the debtor class will, under present conditions, be the only people who can suffer by reason of the free coinage of silver. They will have to buy gold money to pay their debts, and use cheap silver money to do it.

All debts will be gold debts. Silver will remain in the future, as it is now, cheap so long as gold is high and so long as the indebtedness to banks and capitalists has to be paid in gold coin, because the demand for gold will increase, and the demand for silver will decrease.

The man who works for wages and the farmers who produce something for sale will be paid in silver money, unless they, like the bankers, make contracts payable in gold. If they do this, then the free coinage of silver will serve no purpose, because silver will not be used as money. This cry for free coinage of silver is thus at this time a political fake and not a financial problem.



If we had protection and good times, money would stay at home and our products would go abroad, and it would matter little to the people at home what money was here used, provided it was accepted by everybody. But if we are to do business under specific contracts, *requiring us to pay all borrowed money in gold*, then the free coinage of silver will not benefit anybody, because silver will not be used as money except as change. The laborers will be paid in a cheaper money because they cannot make a gold contract for each day's work, and the difference between the value of silver they receive and the value of the gold they are compelled to pay out will be their loss. If the free coinage of silver will not affect the value of silver money, then, as Governor McKinley well says, it will be as hard to get after we have free coinage as now.

If we had good times and we sent no money abroad, then gold and silver would both circulate at home and possibly at a parity of value. But such is not the case and cannot be the case until we have protection. Then the laborers will have more to do, and the increased demand for workers will increase the price of work. The means to pay the workers comes from the results of their toil, and not from the amount of silver in circulation. Labor produces things first and money afterwards, and the price these things sell for is regulated by the demand. Protect our home market and there will be a good demand and a good price. The things so produced are the wealth of the country, and when the things are sold, money, as a symbol of wealth, is paid and received for them, and to secure the producer a good price, money should be both good and abundant.

There has never been a time when there was more gold and silver money in this country than within the last four years, and yet, we are poor, and hard times prevail. England is the richest country in the world so far as money can make that country rich, and yet, with about one-half our population, it has ten paupers to our one. It is axiomatic that well paid labor makes a country rich, and it is not the amount of money in the vaults of the banks or in the pockets of a few rich men that shows a nation's wealth.

## FREE COINAGE.

The Populistic Democrats demand the free coinage of silver so that the amount of our metallic money will be increased. But our answer is—the free coinage of silver will not, *under present conditions*, result in an increase of our metal money, and will not afford a remedy for hard times, because we cannot increase the amount of our coinage by coining more silver, for when we coin more silver we will coin less gold. It was officially stated by the Treasury Department, in April of this year, that last year we coined \$43,933,475 in gold and \$9,069,480 in silver, and that if our mints were devoted exclusively to the free coinage of silver, we would coin \$15,000,000 less money every year than now, because it takes nearly as much time to coin a silver dollar as it does to coin a twenty dollar gold piece; and, therefore, we would coin less metallic money.

\$40,000,000 a year is the extent of our possible silver coinage, and we now coin in gold and silver more than \$53,000,000 a year, and so free coinage of silver will bring us less instead of more money, and worse instead of better times.

## LARGEST USE OF GOLD AND SILVER.

I believe in the largest possible use of both gold and silver, and in the free and unlimited coinage of both metals, but I am unalterably opposed to either gold or silver monometallism. I believe in the free coinage of both these metals, for the reason that the more good money we have, everything else being equal, the better we are off; and yet our banks may be full of money and our pockets empty. Good money and good times must go together. All dollars must be alike in value, and whenever the free coinage of silver causes silver monometallism, this will injure our country. We cannot have one dollar for the debtor, and another for the creditor, or one dollar for the rich and another dollar for the poor. If we do, the rich will be sure to get the best dollar. *There cannot be too much good money, but there can be too much cheap money.* It will be no remedy to exchange gold monometallism for silver monometallism.



*There can be no prosperity in lowering the standard of our money. Money is not a thing one can eat or drink or wear or use for any purpose except as an exchange for things, and as a representative of value, and when money does not represent value, then it is useless. The benefits derived from money, like the benefits derived from the use of anything else that mankind requires, depends on the opportunity for its use, and the value of the thing used.*

No man can get money no more than he can get land, unless he exchanges something else for it; for instance, you can take one hundred pounds of wheat to a man who has money and wants wheat, and he gives you a dollar for the wheat. But suppose he needs the wheat but hasn't got the dollar? Then he must work for the dollar as the other man worked to produce the wheat; but in order to work for the dollar, he must have an opportunity to work, and he cannot have an opportunity to earn a dollar unless there is something to do, and there will not be something to do unless some man can make something by hiring this man who wants to earn a dollar. *Then it is the production of things that makes money and that causes a country to be prosperous*—the more things the people produce, the more wealth they accumulate. The making of money follows the production of things; for a people to prosper, they must produce a great deal, and the laws that most encourage such productions are the laws that most benefit the people and creates the most wealth.

We must have protection first, and more money will come afterwards; and thus protection is the safest and surest means of securing prosperity to the American people. A protective tariff is a national necessity.

We cannot afford to trade off protection even for bimetalism.

#### FREE TRADE.

Hitherto, Tammany Hall, Wall Street, and Mr. Bryan have all been for free trade. Wall Street is now for free trade and a single gold standard, while Mr. Bryan and Tammany Hall are for free trade and free silver. Free trade means *foreign trade*. Free trade and a gold or a silver standard, one or both, will not make prosperous times.

The fact is the Populists and the Populistic-Democrats and their "Boy Orator" are too busy fusing to have any fixed principles about anything. No party of principle can ever honestly unite on the same ticket with another party of different principles or with no principles. At this time they will unite with any body for anything. So we must assume that the Populists and the Populistic-Democrats who nominated Mr. Bryan have the same principles. They would harness free trade and free silver together, and together these would destroy the country. They would unite the referendum and all the absurdities of the Populists with the absurdities of the so-called Democratic Party, and between the two they would represent "one virtue and a thousand crimes" and call it "State Craft."

#### THE SOLID SOUTH AND FREE TRADE.

It goes without saying that the real strength of the Bryan Democracy is in the solid South. The reason why the Solid South is for free trade and free silver is evident. The cotton producing portions of the South are for free silver and free trade, and wildly for Bryan, because they supply the world with cotton, and their chief market is England. *They are paid in gold.* They want cheap silver money at home so they can pay their negro labor with a fifty cent dollar and thus make a profit off the labor that produces the crop; and they want free trade, because as they buy the most of the articles they consume, they wish to buy from cheap labor countries, and thus punish the manufacturers of the North in their own country.

In a word, they will sell what they produce for gold, pay their negro and other labor in silver, ruin the American mechanic by building up foreign industries and destroying our own, and by patronizing foreign cheap labor, and introduce into American politics the results of a peonage worse than the old time slavery. The Southern Democracy never was friendly to American labor.

#### FREE SILVER AND FREE TRADE.

I have always believed that bimetallism would benefit our country; but I have never been ready to trade off the

honor of my country for this financial principal. Free silver and free trade cannot go together. It is true, conditions change and people change to meet new conditions. Senator John Sherman voted against the demonetization of silver in 1873, and Senator Stewart and Senator Jones, now the great disciples of free coinage, voted for it. I assume all of these gentlemen were honest. But times have changed. The choice now is between the greater and lesser evil. The question is, what is best to do now? We say, give us the old-time protection—defend our home markets against foreign intrusion—our home labor against foreign competition and we will prosper. Start up the furnace in the factory, the plow on the farm, the mills in the forest, and the songs of busy labor will be heard above the alarm of the demagogue—the people will be at peace and happy—the money we have will then be used and we will make more money as we need it.

#### PROTECTION AND GOOD TIMES.

No man can truthfully deny that we had good times under protection, without free silver, and we will have good times again if we have protection. We want our wool and our fruits and our raisins and all the products of our farms, well protected against foreign competition, and then California will be a prosperous State. Take prunes: it costs the California producer a cent a pound to transport them to a New York market, while it costs the French producer but a quarter of a cent a pound to transport his prunes to the same market. The French laborer gets from 30 to 35 cents a day for his labor; the American laborer gets \$1 a day. By reason of American competition, the price of prunes in the New York market have been lowered one hundred per cent in ten years. Without protection we cannot compete with France. It was a mistake to cut down the tariff on prunes or on any other product of the farm. Protection is the foundation upon which all American prosperity rests, because American labor must be favored by American law, or it will be of the same value as foreign labor, and our people cannot live on foreign prices for American labor.

And again, free trade and free silver would destroy the credit and imperil the honor of the country; and when credit is gone, business is ended. With free trade, we would continue to run in debt, our labor would be illy paid, and so long as we run in debt, hard times will be inevitable. Gold will leave the country and we will have silver monometallism which would be infinitely worse than gold monometallism, because gold could be used to pay our indebtedness and silver could not, except at a great discount. Any of you who have a little mortgage on your homes can test the value of gold—see if the savings bank you owe will take a thousand dollars in silver, although silver is now a legal money. The bank would say: you promised to pay in gold; we loaned you gold and you must pay in the kind of money you borrowed.

It is, therefore, clear to me, and it must be clear to you, that without protection and with the free coinage of silver, the debtor classes and the workers of America will suffer. The rich who now have the gold will continue to have it and the producers would have the silver or the cheaper money or no money at all. Our only hope of prosperity is to supply our home market by our own products, send our surplus products abroad to pay our foreign indebtedness (which amounts to fully two hundred millions of dollars a year), and keep all our money at home for home uses.

#### FREE SILVER COUNTRIES AND LOW WAGES.

In this connection it is a most instructive fact that there is no silver monometallic country where labor is well paid. Look at Mexico, Colombia and other silver States on this continent, and then look at China, Japan, India and Russia which are silver countries. The prices of labor in every one of these countries is from 100 to 500 per cent below that in the United States. There is no enterprise, no rewards for labor. They never see gold. They have no conception of bi-metallism. But Mr. Bryan tells us that American ingenuity is a protection against the competition of foreign cheap labor. We tried this with the Chinese, but our ingenuity was no match for their cheap brawn and muscle, and we prohibited their coming just as we will have to prohibit



foreign cheap money from coming here. The United States is in no sense a cheap country. This is a new and an expensive civilization.

#### BRYAN'S FINANCIAL SYSTEM.

Mr. Bryan said in his speech before the Chicago Convention that this great people was rich enough and strong enough and intelligent enough to manage its own concerns, and that it could thus safely adopt the free coinage of silver regardless of what other people did.

Suppose this is so, we should not do it unless it benefit us—linked with free trade it would ruin our business. I had thought until Mr. Cleveland's administration came into power that the American people were strong enough to do anything, but the Democracy and Mr. Bryan have taught us a lesson. The last four years have proven conclusively that Mr. Bryan is wrong in his assertion and that I was wrong in my belief. The Populistic Democrats can destroy anything that is destructible, but they have never yet built anything that was worth preserving. Like the ass in the fable, they can lean against the wall and topple it over, but they cannot rebuild it. The effect of their tariff on the labor of the country is instructive.

We learn from the labor statistics that in the State of New Jersey, between March 4th, 1893, when Harrison went out of office, and the 31st of December, 1895, there has been a decrease of labor employments of 42 per cent, and we did not have free coinage of silver under either administration. This was caused by a Democratic tariff reform measure.

So in various trades in the State of New York, during the same period, there was a decrease in the amount of labor employed of 42½ per cent. It is everywhere the same. These serve as illustrations of the effect of Democratic tariff tinkering.

Added to this is the lowering of wages in every line of labor since the 4th day of March, 1893.

The reason for this is there is less for the American laborers to do under the present tariff laws than there was under the old system; there is no confidence in Demo-

cratic business wisdom because we manufacture less at home and buy more abroad. A Democratic gate has closed the door to American enterprise. We now have to pay our money to foreign producers and shut down our own factories.

#### AMERICAN CREDIT.

When our industries are attacked, our credit is endangered. Prosperity is the source of credit, and we cannot have any safe monetary system that does not rest upon credit. So long as England dictates our tariff laws, she will easily control our financial policy and dictate the prices charged for what we buy abroad and what we sell abroad. She controls the money of the world, but she cannot control the resources of the world, and so there is an irrepressible conflict between the two great English speaking peoples—England and America. Both countries are seeking industrial supremacy. England imports nearly all her bread stuffs, all her cotton, most of her fruit and meats and wool, and all of her sugar, wines, brandies, teas and coffee. And England must pay for them in either money or things. If we have a protective tariff, *less of her things and more of her money will come here.* She tries to control the prices of these articles. She does this in two ways:

First, by dictating the revenue laws of the country she buys of, and

Second, by controlling the monetary systems of the world.

Being a creditor nation, she adopts the familiar practice of causing hard times among the borrowers of money and the sellers of products, and America is both a borrower of money and a seller of products. And so a protective tariff will alone save us from her dominating influence. Give us protection and we will control American markets for both money and things. Give us protection and good times, and then America will be able to adopt any sensible financial or revenue system of our own.

#### HISTORY IS REPEATING ITSELF.

In this Presidential contest, history is repeating itself. There have been but two Democratic Presidents in forty



years—James Buchanan and Grover Cleveland. Both were able and honest, but their party represented the wrong principles. When each entered office the people were at peace, prosperous and happy. Both administrations destroyed the credit, disturbed the peace and wrecked the business of the nation, and at neither time were these conditions caused by the silver question.

Both of the Democratic National Conventions immediately preceding the expiration of the term of each of these Presidents, were divided against themselves and broke in twain. In both instances these Democratic National Conventions favored extreme revolutionary measures. The Democracy of 1860 was controlled, and the Democracy of 1896 is controlled by men with a single idea, and that an un-American and an un-Democratic idea: the one demanded the extension of slavery and free trade; the other the unlimited free coinage of silver money and free trade. Some of the same men were in both conventions. The Democratic Convention of 1860 resulted in secession and revolution; the result of the Convention of 1896 is still a problem. Both Conventions refused to endorse the national administration of their own party, because both Presidents favored law and order. Neither Convention represented the best of the Democratic Party, and both Presidents were practically driven out of their party.

The National Democratic Convention of 1860 denounced the laws passed by the States against slavery. The National Democratic Convention of 1896 denounced the National Courts for maintaining order.

The Bryan-Democratic Convention of 1896 denounced the Supreme Court of the United States, a co-ordinate branch of the Government and the last hope of a free people, because it did not decide the income tax their way.

It denounced Federal interference in the great riots of 1894, which interference secured the public peace.

It declared that certain civil proceedings in the courts of justice were a "highly dangerous form of oppression."

It declared for State rights, and finally it hissed the name of its own President and refused to endorse his administra-

tion, because, as a sworn officer of the law, he had done what his oath of office compelled him to do, namely: maintained law and order and issued bonds to meet the deficit caused by the Democratic "tariff reform" measures passed by a Democratic Congress, elected on the same ticket with himself.

Thus this country is again on the eve of revolution. Whether this revolution will develop and become another blot on American history, or whether it will be warded off by the combined action of the intelligent conservative and thoughtful people of the country regardless of party, honest Democrats and honest Republicans alike, is yet to be determined.

We assume, if the Populist Democrats succeed, they will do what they plainly intimate in their platform, namely: oppose the National Government in defending life and property; that in due time they will remodel the Supreme Court and place such men as Altgeld and Tillman in the seats once occupied by a Marshall and a Storey; that they will be in favor of free trade because that is the principle maintained by the "Boy Orator," their candidate for President, in his speeches made in Congress and out of it, and as indicated in the Populistic Democratic platform; that in so far as they can, they will, as a remedy for the hard times they have caused, so arrange the finances of the country that a 50 cent dollar will pay a 100 cent debt, which means national dishonor; and that a dollar borrowed and a dollar paid shall not be of the same value. In a word, that common honesty shall cease to be a cardinal principle of American affairs, and that deception, fraud and trickery shall be the prevailing sentiment of the people.

#### DEMOCRATIC HARD TIMES.

Hard times are always perilous times in a Republic, and often inspire revolution. It is a fact that the clouds gather thick and dark over our country whenever there is a Democratic Administration in power, because that means hard times. Do I overstate the facts?

James Buchanan, when he was President, in a message sent to Congress, said:

"In the midst of unsurpassed plenty, we find our manufactures suspended, our public works retarded, our private enterprises abandoned, and thousands of useful laborers thrown out of employment and reduced to want. Under these conditions, a loan may be required."

A loan was then required. Revolution and secession followed. The free coinage of silver was not an issue. We then enjoyed the full benefit of the free coinage of silver and of free trade. *You see the result of free trade.*

So Grover Cleveland, the next Democratic President, in a message sent to Congress, said:

"With plenteous crops, with abundant promise of remunerative production and manufactures, with unusual invitation to safe investment, and with satisfactory assurance of business enterprise, suddenly financial distrust and fear have sprung up on every side, numerous institutions have suspended \* \* \* values supposed to be fixed are fast becoming conjectural, and losses and failure have involved every branch of business."

He also wanted a loan and got it, and a loan in gold, at that. The Populistic Democratic Party now want to pay that loan in silver.

Both Presidents told the truth when they said times were hard and both had to borrow money. Under one President we had free coinage; under the other we did not. Under both, we had hard times, because we did not have protection, and now, added to our hard times, we are threatened with revolution.

The Populist and Democratic candidate for Vice-President, Mr. Watson, in a speech made in Congress only a year ago, said:

"We are on the eve of a social outbreak. We are at the crisis of our Republican government. In a few months it will be decided whether we have a government of law and order, whether peace can be maintained by the constitutional authorities, or whether each side will arm itself with the deadliest weapon of destruction, and fight out their grievances."

Does that look like peace? Remember, the convention that nominated Watson nominated Bryan, and so every far-seeing American is now asking, "Whence leads the inexorable logic of events?" The civilized world is startled at the political situation in this country.

You cannot talk revolution to a great and free people in times of distress without endangering the peace of society, nor can you threaten to pull down the pillars of the State without shaking the structure to its foundation.

Every man with a home to defend, or a family to provide for, must answer for himself when duty calls, and duty calls this year.

#### THE REMEDY.

The single and only question now is, what is the remedy for present conditions? We say, elect McKinley. The people do not wish to get well of this disease, and then die of the remedy. How can we hope to find a remedy in repeating the dose that has made the Nation sick? Will an appeal to such men as Altgeld and Tillman, and to the criminal element, afford relief? Can they start up one factory, or give employment to one American laborer? Do they propose any rational relief for present conditions? Is the financial honor of the nation to be left in such hands? Is it wise to trust the party which alone is responsible for the present state of affairs with further political power, and accept as law new promises of future good times? The Republican party is the party of Protection, and without Protection there can be no prosperity, and there can be no prosperity without credit, and no credit without honesty.

Is it an axiom as old as civilization, that no government can long survive which does not sustain National and individual credit. Credit is the rock upon which this nation stands. We must continue to pay our debts, dollar for dollar, if we are to continue to be an honest and a just people, and in the same money borrowed. *A creditor has no right to increase the value of the dollars to be paid to him on an antecedent debt, and no debtor has the right to lower the value of the dollar to be paid by him.* This is a matter of personal and business honor, binding alike on both debtor and creditor.



## PROTECTION AND BUSINESS SUCCESS.

The most illustrious pages of American history since the Rebellion are found in the splendid contests maintained by the Republican party for American industrial supremacy. We succeeded because Protection is right. It has been, and is, the cardinal principle of the party. Compared with this question, all others, except that of National honor, and law and order, pale into insignificance. Before our business was wrecked, when our exports largely exceeded our imports, the free coinage of American silver might have been desirable, because we needed more money for home uses, and we want both gold and silver; but now, when our imports equal our exports, all our money is used to pay our foreign indebtedness, and that money must be gold—and without an increase for the uses of silver money at home, there can be no advantage in the increase of the amount of that money, because it is *the circulation of money that benefits the people.*

## ELEVATE LABOR.

The great aim should be to give labor a better chance.

It has always been the policy of the American people to dignify labor, and this is so because under our free institutions labor is our only capital, and because the worker of to-day may be the statesman or capitalist of to-morrow; we have no privileged class. All Americans are workers. Our laws have to be made to fit the independent and intelligent manhood of the American people. American labor has to be better paid than the labor of any other country, and this cannot be done unless labor is protected, and you cannot protect labor unless you protect what labor produces. *Why should we put a roof on our own house to keep the rain off from others while we stand out in the storm?*

Every year makes protection more and more a necessity. In recent times foreign transportation has become so cheap that our home markets and our home labor can only compete with the cheap labor, and the cheap labor countries of the world, by the imposition of larger import duties on all foreign articles brought here for sale, because they can be brought here so cheaply.

### THE DEBT-PAYING POWER OF THIS NATION.

All over the world every producer is looking for a market for his products. Every human being is looking for something to do, and he is crowding and jostling his neighbor in pursuit of it. Commercial and financial success is the highest achievement of this age. And so we must have protection or we will have cheap labor. *Cheap labor is never intelligent labor*, and all Americans must be intelligent, or this Republic cannot stand. This is the price we pay for liberty. Who can object to it?

The strength of a nation in peace and in war is no longer measured by the numbers of its soldiers. Its debt-paying power is its strength. Wealth is king in peace and in war. During Mr. Harrison's administration of four years, and immediately preceding Mr. Cleveland's, we paid on the principal of the national indebtedness two hundred and thirty-six millions of dollars. During the first three years of Mr. Cleveland's administration the national indebtedness was increased two hundred and sixty-two millions of dollars. This was not an accident. There was a reason for it, and that reason was that under one administration, we had protection; under the other we did not. Both were Presidents of the same people. No great calamity befell the country under either administration (unless perhaps the calamity of Democratic political success be named as one).

No failure of crops or devastating pestilence occurred under either administration; the same amount of money was here, capable of circulation under one administration as under the other; exactly the same monetary and coinage laws existed under both administrations; apparently equal opportunities for remunerative employment were open to the people under both administrations; but the undeniable fact remains that under the Republican administration the people were prosperous and happy, while under the Democratic administration they have been in want. Under one, we had protection and prosperity, and under the other a tariff for revenue and hard times; under the Republican administration we made money; under the Democratic administration we lost money.



### LOWERING OF VALUES.

The decrease in the values of property in the United States during the first three years of Mr. Cleveland's administration is also a most instructive lesson—the lowering of values has been over ten billions of dollars, while the actual value of all property in this country is about seventy billions. The statistics show, also, that over one-sixth of all the railroads in the country have within the last three years gone into the hands of receivers. The farmers and the industrial and poorer classes have been the chief sufferers by this depression. The products of the farm have been lowered on an average of thirty-three per cent., and the value of farm lands even more. Labor, excepting in a few lines, has gone down in equal proportions.

Those who have money cannot safely loan it, and those who are in business cannot safely borrow money. History fails to portray such a dismal failure—such a total want of ordinary business sense as has been exhibited in the conduct of public affairs in this country during the last four years of Democratic rule.

### AMOUNT OF MONEY IN USE.

The amount of money in actual use has grown less and less; there must be an increase of business before there is a large use of money. For instance: The bank clearances of New York for 1892 were \$36,662,469,202. The bank clearances of London for 1892 were \$32,542,521,473, while the bank clearances of New York for 1895 were only \$29,841,795,922. For the same year in London, the bank clearances had increased to \$36,950,780,222.

Our money was not in use, because we had no means of using it; we had no business—the cheap labor of other countries did our work, and American laborers were out of employment.

### THE EFFECT OF DEMOCRATIC LEGISLATION ON THE FARMER.

During the last four years the depreciation in annual crop values has been enormous. This depreciation largely occurred after the Democrats commenced tinkering with the

tariff. Take wool, for instance: the average price was 17 cents a pound before it was put on the free list by the Democracy; now it is 8 and 9 cents a pound. Barley was 54 cents; now it is 34 cents a bushel. Corn was in 1892 worth 38 cents a bushel; in 1895, 26 cents. Wheat in 1892 was worth 75 cents a bushel, and in 1895, 50 cents a bushel. The price of every product of the farm was, and is, on the down grade. The above are Eastern prices.

In live stock, the depreciation is even greater, until the annual depreciation of the products of the American farms under Mr. Cleveland's administration reached the enormous amount of \$1,462,551,473.

This does not include the loss on fruits, nuts and raisins, wherein California is more particularly interested.

The unquestioned facts are, that we had fair prices under a protective tariff, with exactly the same monetary and coinage laws which we now have; but now, with a tariff for revenue and free trade, we have low prices and hard times.

#### COMPARISON BETWEEN REPUBLICAN AND DEMOCRATIC RULE.

The result of the present Democratic tariff reform legislation, as compared with the results under the Republican administration, is instructive. For the year 1892 our exports reached the enormous sum of \$1,015,732,011. It is admitted this was a productive year. But note this: our exports for the year 1895 were only \$824,862,475—showing a loss under Democratic rule for the years indicated of \$190,869,536, while the difference in the amount of our imports is no less marked.

For the fiscal year ending June 30, 1894, under the old tariff laws, our imports were only \$647,775,017, while for the fiscal year ending June 30, 1895, under the tariff-reform laws of the Democracy, our imports were increased to \$801,663,490, or an increase of imports under Democratic rule of \$153,888,473; thus showing a loss of exports of American products to a foreign market in a single year of \$190,869,535, and at the same time an increase of imports of foreign-made goods to an American market of

\$153,888,473. In a word, by reason of the change of our tariff laws we sold, in round numbers, \$190,000,000 less in 1895 than in 1892, and bought \$153,000,000 more in 1895 than in 1894—*making a clear loss*, in round numbers, of \$340,000,000, or an amount greater than is required annually to support most of the leading nations of the world. All this time we had \$600,000,000 of silver coin and silver certificates ready for use, but which was not used. We had more silver money than could be or was used, because we had no business at home.

For the twenty-eight years of Republican rule we paid nearly two billions of the National debt. During the four years next preceding Mr. Cleveland's first administration, namely, covering the administration of Garfield and Arthur, we paid \$497,429,250 on the National debt. During the next four years, covering Mr. Cleveland's first administration, we paid but \$276,041,350—a little more than half as much. During the administration of President Harrison—from March, 1889, to March, 1893, and notwithstanding the Cleveland tariff tinkering of the previous year—the Republicans paid on the principal of the National debt \$236,000,000; while during the very next three years, under Mr. Cleveland's administration, directly following Harrison's—from 1892 till now—we have actually run in debt \$262,000,000. And for all these periods, let me add, the laws governing the coinage of silver were exactly the same as now. The tariff duties were changed, but the coinage of money was not, and so this condition cannot be attributed to the money question.

Possibly the best illustration of the effect of Democratic tariff legislation on the industries of the country is found in the fact that during the four years of Garfield and Arthur's administration, our foreign trade was \$512,362,773 more than during the four succeeding years covering Mr. Cleveland's first administration.

So during the last two years of Mr. Harrison's administration, our total foreign trade was \$325,872,802 more than it was during the first two years of Cleveland's administration following. So our foreign trade during the first three

years of the present Cleveland administration shows, in exports, \$225,243,711 less than during the last three years of Harrison's administration.

These illustrations demonstrate the difference between a Republican and Democratic administration, and between a protective and a free trade or tariff reform policy.

When we have wise revenue laws, we can control our own monetary system; but so long as we are paying out more than we receive, we are in financial slavery, and Americans cannot control America's finances. Does any sane man believe that so long as we expend more than we make we can prosper? That is what we have been doing under this administration. No man can control his own finances so long as he is running in debt, and no nation can control its finances when it is running in debt.

And here again, England stands in the way, because about one-half of all the silver in the world is in India and China, and England supplies both countries with that metal, and as she produces practically none of it, she must get it somewhere. There is no place but America which produces it, and she cannot get it here without paying out gold, unless America has such a tariff as will keep us a "poor debtor" that is, when we are a "poor debtor," we have to sell gold and silver instead of things. The very moment we sell more things than we buy, we will have prosperous times at home. Then England will have to pay in gold a good price for the silver she must have for her Indian and Chinese markets, and then silver will be increased in value as our industries improve and the value of our products enhance.

#### REPUBLICANS WILL NOT TRADE OFF PROTECTION.

These illustrations show that Protection is our only remedy for hard times, and so we will not barter Protection away for anything else. We don't believe anything else can take its place.

I do not now know of anything I have ever said in favor of bimetallism that I would not repeat to-day with added emphasis, and yet, if it were necessary to do so, I am not prepared to surrender the principles of Protection for bi-



metallism. The Republican party is for bimetallism, in its best and strongest sense.

EVERY AMERICAN SHOULD BE PROUD OF THE SPLENDID  
RECORD OF THE REPUBLICAN PARTY.

The unquestioned facts of history are that when the Democratic Party was forty years old, secession became the logical result of its principles; that when the Republican Party was five years old, the logical and inevitable result of its principles made it stand the matchless, heroic and patriotic defender of the American Nation, and it has been the great National American Party ever since. It has been American in the higher sense that its principles are as broad as the continent and as far-reaching as are the wants of man. It has stood for civil and religious liberty, because without both, neither could survive. It has stood for the American Union, because without a Union of the States the whole Nation would fall, for a nation divided against itself cannot stand. It has stood for Republican principles of government, because if this national experiment of free government should fail, republics will be wiped from the face of the earth, and the hopes of the lovers of freedom will be lost forever. It has stood for an American protective tariff, because this is necessary to secure prosperity to the American people. It has opposed all that was un-American in our civil polity, because this Republic stands among the nations of the earth the solitary defender of the equal rights of man.

The great overshadowing principle of our party since the rebellion is protection; but we believe in, and have always maintained, a national financial system that will protect all men and injure none. We believe in building and maintaining an American Navy, and in erecting forts for the national defense. We are opposed to lowering the American flag, whether it be raised on the Sandwich Islands, or on the Island of Cuba, or anywhere else—on land or sea. We have always defended the labor of the poor, and with equal justice have protected the money of the rich. We believe in the Monroe Doctrine as the settled law governing the

nations of the Western Continent, and we will risk every man and every dollar in its defense. We would maintain the national credit by earning money, not by borrowing it. These, among other tenets, have been the beacon lights of our party for all the years of its existence, and we appeal to the truth of history to sustain our position—we are for freedom without anarchy; for liberty regulated by law.

The Republican party shrinks from no responsibilities. It faces every danger, and boldly meets every issue. The un-American course pursued by our political opponents, is made conspicuously apparent by the recent action of the American Protective Association in opposing Governor McKinley for the Presidency. The reasons given to the public for the opposition of this Association to him were, that when Governor of Ohio he appointed to office American citizens, without regard to or being controlled by their religious convictions. Was not that right? Don't you want just such a man for President?

If reasons like these can influence the election of a President of the United States, then the early settlement of this country by the lovers of religious liberty, the Declaration of Independence, the Revolutionary War, and the creation of this great Nation were vain and useless acts.

#### SELECTION OF PRESIDENT.

The selection of a President of the United States should not be made by chance. Few men possess requisite qualifications for that great office. The President of 70,000,000 of free people should be both a wise and an honest man. Our peculiar domestic affairs, our strained relations with foreign powers, our complicated financial and revenue systems, the necessity of maintaining law and order at home, and thereby securing the rights of life and property, the numerous and important appointments to office, the wide range of business knowledge required, the deliberation and self-poise which age and experience bring, added to the highest intelligence, all combined, are necessary to equip a man to be the fit ruler of the greatest Republic of the ages.

No mere boy orator, however attractive his figures of



speech, loud his voice or graceful his gestures, is thereby qualified for the sober duties of a wise ruler of a great and enlightened Nation. Deeds, not words, are the necessary requisites of the President of the United States.

Governor McKinley is a man of the people, and he came from the people. When a mere boy he enlisted as a private soldier in the army of the Union. After the war he followed with patient industry the pursuits of peace. He was many times elected to Congress, was leader of the House of Representatives, and was there schooled in all the arts of American State-craft. He was made Governor of the State of Ohio, and is now of mature years, in the fullness of his mental and physical manhood.

He needs no platform as a guide to the important duties of President. His principles are broad and national. They form a platform in themselves to which the American people can safely and confidently lend their support. He is a believer in the broadest civil and religious liberty, and would risk every hope of preferment or reward of ambition to maintain both these great American principles. In the broadest sense he is an American. His knowledge of affairs, the strength and courage of his convictions, his love of liberty, and the sacrifices that he has made in the past and would make in the future to maintain all these, added to the purity of his private life, point him out as the best equipped American to fill the great office to which he aspires.

#### REPUBLICANS, UNITE.

Republicans! I abjure you to stand solid in this great contest. Line up and face to the front! Let no factions control or misdirect your action. Remember, it is your country, more than your party, that now calls to duty. Our National honor is at stake, our National credit is swinging in the balance, our National peace is imperiled, our prosperity is endangered. United, we will succeed; divided, we will fail.







THE GEN. JOHN BIDEWELL  
1881

DEEP SEA HARBOR.

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REMARKS

OF

HON. GEO. C. PERKINS,  
OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

MAY 12, 1896,

AGAINST THE PLAN TO APPROPRIATE \$3,098,000 FOR A  
BREAKWATER AT SANTA MONICA, CALIFORNIA.

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WASHINGTON.

1896.





Deep Sea Harbor.

REMARKS

OF

HON. GEO. C. PERKINS,

OF CALIFORNIA,

IN THE SENATE OF THE UNITED STATES,

*Tuesday, May 12, 1896.*

The Senate having under consideration the bill for the improvement of rivers and harbors, which appropriated \$3,098,000 for a breakwater in Santa Monica Bay, Los Angeles, California—

Mr. PERKINS said:

Mr. PRESIDENT: The discussion has taken an exceedingly wide range. I thought I had some knowledge of the coast of California and of the wishes of the people of that State, but I must admit that I have been somewhat mystified by the discussion which has taken place during the past three or four days upon the floor of the Senate.

I find in examining the report of the Committee on Commerce that it gives evidence of great labor and great research, and contains a fund of information obtained by that committee, which is entitled to the thanks of the Senate and of the people of our country.

I notice that there are about 400 different appropriations made for the improvement of harbors, of rivers, of estuaries, and of lakes, and for the removal of bars at the entrance of harbors. I notice that these 400 appropriations are divided among 36 States of the Union, and that embraced in these appropriations are three great rivers, the Mississippi, the Missouri, and the Ohio.

I also find in looking at the estimates made that almost every one of the recommendations of the committee and every one of the proposed appropriations, with, perhaps, the single exception of the one now under discussion, was made upon the estimates and recommendations of the United States Government engineers. It would have been a herculean task—it would have been practically impossible for the committee to have intelligently arrived at the various recommendations they have made—without the report of the Government Corps of Engineers, who have been detailed for this purpose.

The chairman of the Committee on Commerce has a national reputation, well earned by twenty-five years' duty in Congress. He is perhaps as well equipped to perform the duties of that committee as any other Senator who ever held a seat on this floor. While I differ with him in his conclusions upon this proposition, yet he could hardly do anything which would dissipate the admiration I have for him for his advocacy in former years of our American shipping and his defense of American industries and American institutions. He is deserving of and has the thanks of

the people of this country for his indefatigable energy and zeal in whatever he undertakes. He is a positive man, a man of force of character and determination; and it was unfortunate, perhaps, for the people of California that on his first visit to the Pacific Coast he went to Santa Monica, and there saw the beauties of that delightful place, for the town of Santa Monica and its surroundings are not excelled by any place in any State or any country in the world.

Yesterday when I heard him picture in such glowing language the beauties of Santa Monica I asked my friend on the right, who accompanied him on that journey [Mr. DAVIS], what was the month of the year in which the visit was made. He informed me it was the month of November. I could then readily understand that one leaving Maine in November, with its bleak, cold, stormy coast, on which broke the angry waves of the Atlantic, leaving a crest of frozen spray wherever they dashed against the rocks, and going to Santa Monica would be most deeply impressed with the place as he looked out upon the broad Pacific at that time of the year, the most delightful in California. That season of the year on the Pacific is what August and September are on the Atlantic. It is the Indian summer. The trade winds have ceased to blow and the angry Pacific, which has been bubbling and boiling during all the summer months, is as quiet as a mill pond in June in the Senator's native State. So I can understand, as he sat on the beach at Santa Monica and there heard the Pacific sing the sunset song of the nation as it washed the western shore of this continent, how he became enamored of Santa Monica, and that nothing that we can ever say or do will dispel his admiration. I might paraphrase a familiar couplet, and say:

And neither the angels in heaven above  
Nor the demons down under the sea  
Can dissever his love  
From the love he bears—

For Santa Moni[ca]kee. [Laughter.]

Santa Monica will be a part of the city of Los Angeles, and perhaps many a Senator now upon this floor will at some time there find a delightful home.

The question before us for our consideration is a simple business proposition. California has a coast as long as the distance from Maine to South Carolina—that is, California borders the Pacific for the same distance that the States between Maine and South Carolina border the Atlantic. In the southern part of California there has grown up the great metropolis of Los Angeles—the city of angels. It is located in the midst of one of the richest agricultural, horticultural, and viticultural sections of the country. It has vast and illimitable commercial possibilities; it has undeveloped mining resources; it is the central depot of two great transcontinental railroads, and is their terminus on the western side of this continent—the Atchison, Topeka and Santa Fe Railroad and the Southern Pacific Railroad. The population of Los Angeles County has doubled every four years during the past two decades, and yet they come; and the people who come there never return except to visit their friends, for it is the paradise of this country. Its future I shall not attempt to describe, but it is as bright as the midday sun. The railroads I have named are reaching out into Arizona, into New Mexico, into Texas, into southern Utah and southern Nevada, and are bringing the wealth of those great States and Territories into that city.

So the people say, "We want a port of entry, a port of export for these great products." They came to Congress, and Congress assisted them in improving the harbor of Wilmington, at San Pedro, and never was money more judiciously expended or expended with better results than those derived from the Government appropriations made for that port. When they commenced the work in 1872 there was but 2 feet of water upon the bar at the entrance to that harbor; to-day there is 18 feet of water; and the appropriation proposed by the Committee on Commerce of \$492,000 will give us, we believe, 22 feet of water. If it does, the harbor is capable of being enlarged and made a great commercial seaport—a harbor where there will be machine shops, graving docks, and all the appliances which are so necessary to foster and encourage a successful commerce.

I want to say, about the enterprise of the railroads which have come into Los Angeles, that it is their competition which has developed that country. It is competition we want in business, in the transportation business, in manufacturing and every other branch of commercial industry. We want that rivalry, that emulation, that energy which commends business people to their patrons. I want to say here that on this question there is no contest, as has been intimated, between two railroad companies, and I can not permit to pass unchallenged the remarks made by the Senator from Missouri [Mr. VEST] and by the Senator from Maine [Mr. FRYE] yesterday. That I may not misquote them I shall read from the RECORD.

The Senator from Missouri said:

Unfortunately, Mr. Huntington is a political factor in California. They test every man's competency and qualification for office there by the question, "Is he for Huntington or against him?" You can not hold a town meeting but what the question is, "Is this man a Huntington man or not a Huntington man?"

Then the Senator from Maine said, referring to some remarks which had been made by my distinguished colleague [Mr. WHITE]:

This savor of the slogan of the sand lots of the Golden Gate, where the name of Huntington is conjured with to frighten babies, and used by demagogues to make weak-kneed politicians tremble.

Mr. President, I dislike exceedingly to refer on this floor to any gentleman who is not a member of this body. I dislike exceedingly to refer to anyone who is not here to speak and answer for himself. But I say that that charge is a libel upon the fair name of the good people of California, and I should be false to those I represent if I permitted the charge of the Senators from Maine and Missouri to pass unchallenged. The people of California have no prejudices against Mr. Huntington or his associates. I know nothing against Mr. Huntington to his discredit, unless it be his own testimony before a Congressional committee and certain letters which it is alleged he wrote to an associate upon the board of directors of the company with which he was connected. I have no feeling of personal animosity or jealousy or envy toward him; I admire him for his enterprise, for his pluck, for his energy; I admire him for what he has accomplished in his life. I knew him many years ago in California when he was an honored and respected merchant in that State. He left us to come East many years ago, and I do not know much of him, except through general report, since that time. But I repel the charge that the people of California seek office by declaiming against him or his associates, or by advocating that which he desires, or opposing it. The people of California are a cosmopolitan people. There are



representatives of every State in this Union to-day resident in California. They have built up that great empire of the West, They are a broad-minded, liberal people in politics, in religion, and in their business pursuits. They have no such prejudices as are charged against them.

Mr. President, I have but to refer you to the fact that the president of that great corporation was elected governor of that State by the popular vote of the people; I have but to remind you of the fact that he was twice elected to a seat upon this floor. The crowning act of his life was performed before being called to that "bourn whence no traveler returns." He had the courage to become the executor of his own estate while living, and administered its affairs for the benefit of the people. He established a magnificent university of learning, where the humblest child in this land may go and drink from the fountain of knowledge without money and without price. His associates upon that board have been known for their acts of public spirit, of munificence, and of benevolence. The family of Mr. Crocker to-day, to my certain knowledge, are distributing thousands of dollars in charity, and many an old man and old woman, many a sick man and sick woman and helpless child, inmates of hospitals and homes founded through their munificence, can thank them for their humane sympathy and assistance.

Mr. President, the people of California in city and county and State gave most liberally toward building the first transcontinental railroad. They were in sympathy with the promoters, because the latter were in touch with the people at that time, and if to-day our people censure them, it is because they believe they have not been true to their trust, that they have forgotten the common interests and the common bond which unite their interests with the interests of the people of California. That is the reason. If they are censured, it is because they use their great power sometimes to thwart the wishes and desires of the people; but that the name of Mr. Huntington is used to influence the acts of public men in California is untrue. I repeat it, it is a base slander against the good name and fame of the people of California.

Mr. President, only last week a great State convention met in California. There were in that convention representatives from every town and county in the State. They assembled at the capital, and among the various resolutions they passed was one denouncing what is known as the railroad funding bill. But to show that they had no prejudice against the individual members of that company, except only as to their action in a corporate sense, they nominated for Presidential elector the vice-president of that great railroad company; and, as sure as the sun rises and sets on election day in November next, he will be elected a Presidential elector of the United States.

I did not intend to refer to this, but it has been called out by the charge made here, the unjust charge, that the names of certain men are made to play the part of the bogey man in California. The charge is without foundation; it is without one bit of truth.

We believe in railroads. We believe that they have the power to develop the great resources of our State as no other agency has. What we complain of is that they prostitute their power to elect to office men whom the people do not want; or that when men are elected to office they use their power to influence them to subserve private instead of public interests. All we want the railroad company to do, and what the people demand, is that it shall

be equal before the law, equal before the people; that it shall pay its just quota of taxes and do as the humblest man in this land is compelled by law to do.

But, Mr. President, we are wandering away from this port of refuge, from this great commercial harbor, which the people of California have declared time and time again they want built on the coast. We have 75 miles alone on the coast of California fronting on the one county of Los Angeles, and comprised within that distance there is the great Santa Monica Bay and the great San Pedro Bay. Our Government has decided through two impartial boards of engineers, and also by a board of the Coast and Geodetic Survey, in favor of San Pedro.

And what is the Coast and Geodetic Survey? What is its mission? In the year 1807 the United States Coast and Geodetic Survey was established by an act of Congress. In 1843 it was re-organized, and since that time it has been the greatest factor in our coast surveys, making the soundings of our harbors, making the triangular surveys of the coast, showing the elevation of the mountains and the location of sunken rocks and of hidden bars, light-houses, and beacons, and publishing sailing directions for the mariner.

Mr. STEWART. Will the Senator from California allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. STEWART. Do I understand the Senator to state that the Coast and Geodetic Survey have reported against Santa Monica?

Mr. PERKINS. Professor Davidson, who had charge of the Coast and Geodetic Survey, in a letter which my colleague presented, which has been published already and is of record, reported against Santa Monica as a suitable place for a harbor. I will read it if the Senator desires. It has, however, been printed in the RECORD; it appeared there in full this morning.

Mr. STEWART. Captain Taylor had charge of the surveys at that time. We have his letter.

Mr. PERKINS. Captain Taylor was a subordinate under the direction of Professor Davidson. I state it as a fact, which came to my knowledge through a captain of one of the coasting vessels, that while he was engaged in making soundings in Santa Monica Bay a strong southwest gale of wind came on and he was obliged to run his vessel under the lee of the Island of Catalina for protection. In a letter dated January 19, 1876, on file in the office of the Coast and Geodetic Survey in this city, Captain Taylor says of the proposed site for a deep-water harbor:

High winds do not get home here with any violence, but the heavy swells do. The swell, owing to Santa Monica being at the head of the bight, does not vary in its direction, however it may be rolling outside, and the wharf has to be built head on. \* \* \* The heavy swell prevents it having any of the qualities of a harbor proper except by means of an artificial improvement.

Mr. President, to the Coast and Geodetic Survey we are indebted for our charts of our coast. The chart before us and other charts upon the desks of Senators were made by them. We are indebted to them for the Coast Pilot. The last issue was published in 1889. It gives the sailing directions of the vessels making the different ports upon the coast. It gives the altitude of the different light-houses, the class of light-houses, whether they are stationary, revolving, or flash light, and all other directions so necessary to the safe and successful navigation of the coast.



Since my friend from Nevada has referred to it, I will, with your permission, read what the Coast Pilot says of Santa Monica Bay:

From Point Vincente to Point Dume the course is north 67 degrees west, and the distance  $23\frac{1}{2}$  miles. The space inside this course is called Santa Monica Bay, and the deepest part is abreast the Arroyo Santa Monica, which is 10 miles north of the above line.

*General hydrography of the bay.*—From Point Vincente the cliffs to the northwest trend north 37 degrees west for  $2\frac{1}{2}$  miles to the westernmost termination of the ridge, which is called Rocky Point (described on page 47), and thence nearly north-northeast for 3 miles to the long sand beach forming the eastern shore of Santa Monica Bay. The northern shore lies at the base of the high, rugged mountains of the Santa Monica range. The beach is only passable at low water. The whole force of the western swell breaks heavily against these cliffs. The depth throughout the bay is quite irregular. Abreast of the arroyo and town of Santa Monica a depth of 40 fathoms is found 4 miles off shore, but off the beach, between La Ballona and the salt pond, a submarine plateau 4 miles wide stretches out to the southwest for 8 miles, with very uniformly decreasing depths, to 40 fathoms, with gray sand, mud, and gravel. Westward of this plateau and toward Point Dume the depth increases rapidly to nearly 300 fathoms, muddy bottom, and carrying 200 fathoms within a mile south of the point. On the east of this plateau, and toward Point Vincente, there is a remarkable submarine valley only 1 mile wide, between the 100-fathom curves, and carrying from 280 fathoms, muddy bottom, to 100 fathoms within  $1\frac{1}{2}$  miles of the beach, near the salt works. The eastern side of this valley is remarkably steep, dropping from 40 to 200 fathoms in three-eighths of a mile. The western side is more sloping, but the slope from 100 fathoms is very sharp.

Ranging off from each one of these points or headlands—Point Dume, Point Vincente, and Point Firmin—there is a great sub-oceanic valley, as it were. As was shown by the letter from Professor Davidson presented here in my colleague's speech, the water pitches off abruptly from a depth of 6 to 8 fathoms to over 150 fathoms. This is not confined alone to Point Firmin or Point Vincente or San Pedro, but to Point Dume and to almost all the places where promontories reach out into the ocean. Therefore the charts other than those issued by the Coast Survey and presented here may easily deceive the eye.

I want to say in passing that Engineer Hood and Engineer Corthell stand high in their profession. They are perhaps as eminent as any we know of in that eminent calling. But they are not looking for defects in the harbor of Santa Monica. They are employed as special counsel, as special experts to show the advantages of that particular locality as compared with the other locality. While the Senator from Maine stated that Mr. Corthell had made a careful survey of the harbor and the soundings, I hardly think he spoke advisedly, because from his own testimony it was impossible for him to do this in the time he was on the Pacific Coast. The survey alone of such a bay as Santa Monica or San Pedro would take a vessel with her complete crew and a corps of engineers who are adepts and experts in that line at least six months. It is done by triangulation. Every 100 square yards off shore is sounded and the character of the ocean floor is depicted in the same way as the general topography of the country is shown on a map. It is a labor of months and years before a perfect and careful survey can be made and the rocks and reefs of the locality noted. When a company is about to build a wharf they spend weeks and weeks in selecting a location for that particular wharf. How must it be when it is necessary to survey an area of 50, 75, or 100 square miles? I am confident that the Senator from Maine must have been misinformed as to Mr. Corthell's knowledge of the bottom of this bay. It is not in the power of man to gain such knowledge in the length of time that this eminent engineer devoted to the study of Santa Monica Bay.

Now, coming back to the location, what is the sentiment of the people of Los Angeles? Public sentiment, the Senator from Maine says, has nothing to do with the locality of a wharf; it has nothing to do with the place where a harbor should be. The people, he says, have nothing to do with the location, that it belongs to the Government, but he is willing that a self-constituted committee of Congress shall make the selection. In other words, we will prescribe the medicine and let the people take it.

Mr. President, who are "we"? We are simply the temporary agents the people sent here for a particular purpose, sent here to represent them on certain lines of duty. Some of these lines they have indicated in language that is unmistakable, others they leave to our discretion. The representative who is not true to the instructions given, the representative who does not carry out both in spirit and letter the well-known wishes of his constituents, is not only false to them and false to himself, but he is unworthy to be their representative.

Two years ago when the political campaign was made the universal voice and sentiment in Los Angeles was for San Pedro, and why? It was because a board of Government engineers had declared it the best, the most feasible, the most practicable place, and so the legislature of California, through their representatives, passed a resolution. I will try not to travel over any of the beaten ground which my colleague has so well covered, but to this resolution I think he did not refer, and therefore I will read it:

Senate joint resolution No. 15, relating to the construction by the United States Government of a deep-water harbor at San Pedro, on the coast of Los Angeles County. (Adopted February 8, 1893.)

Whereas the board of engineers appointed by the Secretary of War to inquire into and report upon the best point for the construction by the United States Government of a deep-water harbor on the coast of southern California and the necessities for such work have reported in favor of San Pedro, on the coast of Los Angeles County, and also in favor of the necessity of such harbor being constructed; and

Whereas it will afford greatly needed facilities for ocean commerce to a large section of this State: Therefore,

*Be it resolved by the senate of the State of California (the assembly thereof concurring), That we instruct our Senators, and urgently request our Representatives in Congress from this State, that they use every means in their power to secure, at the session of Congress now in session, the passage of a bill appropriating the sum of at least \$500,000, to begin the construction of such a deep-water harbor at San Pedro, on the seacoast of Los Angeles County, in this State, as is contemplated in the report of the board of engineers hereinbefore referred to; and*

*Be it resolved, That the governor be requested to transmit to each of our Senators and Representatives in Congress from this State a copy of these resolutions.*

That is the last expression of the people of California through their representatives in the State legislature.

Mr. STEWART. I inquire of the Senator if he has heard that senators and representatives who voted for that resolution have changed their views upon this same question?

Mr. PERKINS. Not in their official capacity. A few of those who thus performed their duty publicly have privately advised their Representatives that they would be glad to have them vote for Santa Monica.

Mr. STEWART. How many who voted for the Senator are among those?

Mr. PERKINS. The Senator is entitled to a fair answer and he shall receive it.

Mr. STEWART. All right.

Mr. PERKINS. In the county of Los Angeles six or seven rep-

representatives in the legislature who voted for me (that is a high encomium on their good judgment) have since wired me that they would be glad to have me vote for two appropriations, one for Santa Monica and the other for San Pedro. But that was done as private individuals, not as representatives of the people of the State in the legislature. They acted simply as individuals, at the importunity perhaps of some official friends, and being, as they must have been, amiable gentlemen, or I would not have received their votes, they desired to please them, knowing, as they did, that I have never yet swerved from my public duty as I understood it. I promised them before I was elected that I would carry out the wishes of their people on this particular question as expressed through my colleague [Mr. WHITE], the Senator who lives in their city, and through their Congressman, who lives in that city, and when a vote on the pending question is taken I shall do my duty as I understand it to be.

But since our legislature adjourned there has been another great assemblage, the eighth convention of the Transmississippi Commercial Congress. This convention met in Omaha, Nebr., on the 25th of November, 1895, and continued in session until the 28th. It had representatives from 26 different States and Territories. They assembled there, having in view the best commercial interests of this country. Representatives from 26 States went there without the hope or fear of reward. They went there having in view only that which they believed would best advance the interests of our whole country. I notice that the State of Missouri had some 30 or 40 representatives in that convention, as appears from their proceedings. Among the resolutions which they adopted was the following:

*Resolved*, That the Congress of the United States be urged to provide for the construction of a deep-water harbor at San Pedro as already determined by the several acts of Congress, and in accordance with the several recommendations of the boards of United States Army engineers (as shown by Executive Documents Nos. 39 and 41 of the Fifty-second Congress, first and second sessions), and that the further improvement of the interior harbor at San Pedro be earnestly recommended.

I do not see how my friend from Missouri can do otherwise than vote for the appropriation for San Pedro, for I think Missouri was more largely represented in the convention, unless perhaps Nebraska, than any other State of the Union.

Mr. President, I have only referred to this as showing the public sentiment as expressed through the people in Los Angeles, which is the home of my distinguished colleague. Then we have the report of the Government engineers. If there were no other reason, I can not see how I could honestly perform my duty and vote on this question contrary to their recommendations. They are men of well-known integrity and high character. During the past ninety years, I think, since the Government first undertook the improvements of harbors and the building of fortifications and light-houses, the work has been delegated to the Corps of Engineers of the United States Army, and to their credit be it said, out of the hundreds of millions of dollars which they have expended there has never been the taint of scandal connected with the disbursement of these immense sums of money. Holding their position for life or during good behavior, educated by the Government, they feel that patriotism and pride in their profession which have held them strictly to their line of duty. How could they then make an exception in this one particular case? I know the chairman of the first commission well and intimately, Col. G. H.



Mendell, for forty-five years an honored army officer and chief of the Corps of Engineers on the Pacific Coast. He has no prejudice surely against any company or individual. He has no bias in favor of any particular place. You might as well charge a skillful surgeon called in to diagnose a disease with being biased or prejudiced. If he is true to his profession, true to his duty, he knows nothing but the subject that is before him, and he makes his finding according to the facts. So it is with these gentlemen.

As I have stated, and it is the one bright page in the history of our public men, this splendid corps of engineers, educated at our great institution of learning at West Point, supported by the Government, have always been honest and loyal to duty. They hold their position for life, and there is no influence that can prevent them from doing their duty. They can only be removed by impeachment, and impeachment can never lie against an honest man. So they have again and again reported in favor of the improvement of an outer harbor at San Pedro in preference to Santa Monica. They reported in favor of Wilmington, and I believe the Wilmington Harbor yet will become the great central shipping basin of southern California.

I remember that when a boy, many years ago, I visited Newcastle-upon-Tyne. At low tide there was scarcely any water in that river, and yet to-day for miles, tens of miles, along that stream there are great shipbuilding yards, great graving docks, machine shops, and foundries, where they are turning out five great steamships a day. It was the skill of man that widened those rivers and gave them a depth of water that to-day enables great ships to sail to and fro, carrying immense cargoes of coal and iron.

In conversation a few weeks ago with a very intelligent Scotchman who was born in Edinburgh he said: "When a boy, 3 miles below the city of Edinburgh I frequently waded across that little stream, which, as you know, is an estuary of the sea, and it is called the Frith of Forth, and yet to-day great steamships drawing 26 and 27 feet ply their vocation up and down that river." So I believe this is all possible for Wilmington in the future.

But there has been one strong point made in favor of Santa Monica, and it has not been answered yet. Why did the Southern Pacific Railroad, it is asked, abandon Wilmington, where they had expended millions of dollars, and go to an unknown place and there build a wharf costing them nine hundred thousand or a million dollars? The mere statement of that question carries with it a strong argument, and if the facts were true it would be almost unanswerable. But, Mr. President, they are not true. They have not abandoned San Pedro or Wilmington, and I do not believe there is any reasonable amount of money that could purchase their rights there.

Mr. STEWART. Have they not abandoned their scheme to build a wharf in the outer harbor?

Mr. PERKINS. Yes; and I will tell you why. I will come to that in one second. They never seriously intended building a wharf outside until the breakwater was completed, because they had ample facilities inside for the transportation of all the freight that came there. The great objection to it was lighterage. It was one of the great expenses that ships having a heavy draft of water—more than 18 feet—could not go in over the bar at Wilmington, and the result was that the ships were obliged to anchor in San Pedro roadstead and there lighter their coal on shore. So

there was a rival wharf built at a place called Redondo, on the southern portion of Santa Monica Bay, and that wharf was getting a large amount of business that came from the north, because passengers and freight would reach Los Angeles City via Redondo several hours before they could on vessels coming from the north going via San Pedro. It was a wise business undertaking, and it is characteristic of the enterprise and sagacity and the business foresight of the management of that great railroad company. As I have said before, for his enterprise, for his energy, for his push, Mr. Huntington is the peer of any man in this country. So he wisely said, "We will build a wharf on this bay where we can save this lighterage." Do you know that they use from ten to fifteen thousand tons of coal per month that is obliged to go over their road to the various distribution depots? So the railroad company decided to build this wharf at Santa Monica, and saved this dollar a ton lighterage which it was paying to another company. It was a wise business enterprise. It was not an experiment.

To hear my friend from Maine talk, anyone would think Santa Monica is the only place for a wharf on the coast. Mr. President, I can name you 16 different wharves between Golden Gate and Point Lome, just north of San Diego, built out into the sea precisely the same as the wharf is built at Santa Monica. They have not cost that amount of money, it is true, because there was no necessity for it, and while it would be presumptuous in me to criticize the great expenditure of money upon the Santa Monica wharf, yet it cost twice what was necessary; that is, a wharf costing one-half as much would have answered every purpose.

But this great railroad company does not do things by halves. It has tunneled the great Sierra Nevada. It has spanned great streams in Arizona, where the cloudbursts come down and, like an avalanche, wash out miles and miles of road. Yet it rebuilds it, and builds it to stand like a light-house upon a rock. It does things thoroughly and in a masterly manner, because it has great resources, and so it has built this wharf as it builds other structures which it undertakes. But I submit it was not necessary to build it so strong or so long or so wide unless it wished to do so in order to hold great coal bunkers, that the coal may be discharged into those bunkers, loaded on to cars, and transported by cars to the various depots in Southern California, Arizona, and New Mexico. There is a wharf to-day at Hueneme, a place about 40 miles north of Santa Monica, which did not cost over \$75,000. It is built in a place not so well protected, because there is not the Catalina Island, and the Catalina Island is what protects San Pedro in a great degree. It breaks the southwest swells that the Senator from Maine [Mr. FRYE] talks about.

The prevailing winds on the coast of California during the summer months are from the northwest. They are the great trade winds, and they blow for four and five months in the year. Trade winds sound to those who are not initiated perhaps like a gentle zephyr, and yet it may be said to those who are not accustomed to them that they pick up a good-sized pebble and hurl it across the street. They prevail for four or five months in the year, and they are very strong when they blow. They commence in the morning and blow until late in the afternoon and evening. In the winter time the storms come from the southwest. The wind usually commences to blow very strong from the southeast. It hardly ever blows for more than a few hours from that point of



the compass, when it veers around to the southwest, and there it blows with great strength and force. By reason of the location of Catalina Island, San Pedro is protected from those very heavy sea waves that roll in from the ocean. While Santa Monica in a degree is protected, yet it is not protected to that extent, or our friend Captain Taylor, who made the report, would not have been obliged to leave his anchorage and seek the sheltering protection of the lee of Catalina Island.

I find in looking at the chart which is before us that at Santa Monica—and anyone will notice it by closely observing the map—there are various lines running north and south, following the meanderings of the coast. They are called the 5-fathoms line, the 10-fathoms line, the 15-fathoms line, and the 20-fathoms line. Surveyors seldom go outside of that. I find by examining the 10-fathoms line, which is 60 feet deep, that at Santa Monica it is only one mile and a half from the shore. If this wharf is 1 mile long there would be only a half mile between the end of the wharf and the breakwater; and if other wharves are built out, as they must necessarily be—this is to be not only a harbor of refuge, but also a great commercial harbor—there must be hundreds of wharves to accommodate the shipping. Where, then, is the anchorage for the great ships that will come there from the orient, from the islands of the Pacific, through the Nicaragua Canal, which we all hope and expect to live to see constructed? Where will there be anchorage for those vessels if there is only a half mile between the end of the wharf and the breakwater? It is true that the engineer reports say there is an area of so many acres. That will be between the wharves, and every nautical man knows that it is impossible for vessels to navigate successfully among them, even in charge of a towboat.

The wharf at Santa Monica, as I have said, has been a good business investment. I believe the saving alone to the Southern Pacific upon its lightering of coal and lumber and other supplies will amount to not less than fifteen and perhaps twenty thousand dollars per month, and by reason of their facilities for doing other business, for handling merchandise coming in over the wharves from other countries, as well as our own coast States, they can handle it much more cheaply than anybody else can, and this will correspondingly add to their revenue. Therefore, the building of this wharf is a splendid business investment, and I do not believe that the projectors of the wharf when they built it had any expectation of asking the Government to build a breakwater. Fifteen miles south of San Pedro there is a wharf called Newport wharf. It runs out into the ocean about 800 or 1,000 feet. During the past eight months 35,000,000 feet of lumber alone have passed over that wharf, besides thousands and thousands of tons of grain. The same is true at San Buenaventura, Hueneme, and the other wharves on the coast. Every one of the owners of those wharves would like to have a breakwater. It would be a great benefit to the respective ports; it would be a great benefit to the wharf, and yet it would not make a commercial port or a harbor of refuge of any one of those ports more than they are at the present time. It is a law which never yet has been successfully opposed that a breakwater can not be successfully constructed that runs parallel with a rectilinear shore.

It is contrary to the very nature of things that it can be. At Santa Monica, as well as in other open roadsteads, every twenty seconds there is a wave rolling in like a great battering ram, strik-

ing against the beach or sea wall, against the breakwater, against the wharf, or whatever may obstruct it. The most successful wharves that have been constructed on the coast are the wharves that present the least surface of resistance for the waves to strike against. Take a vessel and place it diagonally across the end of the wharf at Santa Monica or any other wharf extending into the sea, and I would almost wager my hope of future existence that if a southwest gale prevailed for twenty-four hours the vessel would sink at the end of the wharf or the wharf would be a story of the past. It can not be otherwise.

There is not an artificial breakwater constructed anywhere in the world of which we have knowledge that is built parallel to the shore. At Cherbourg, the great naval port on the coast of France, there are three land sides, and the great digue or breakwater is  $2\frac{1}{2}$  miles from the inner shore. It was commenced, I think, in the reign of Louis XVI. It was years and years—a hundred years I think—before it was completed. It cost an enormous sum of money—more than \$30,000,000—and for the first years of its construction it did not resist the action of the waves. Yet it is exposed only to the short, choppy seas of the British Channel. Contrast that with the undulating, never-ceasing waves of the Atlantic or the Pacific, rolling in every twenty seconds, as I said before, thundering against this broadside. I believe the Government engineers are right when they say it is almost an engineering impossibility to construct such a breakwater.

While passing upon engineers, I wish to say one word. Yesterday eulogies were delivered upon the magnificent work accomplished by Mr. Eads in the Mississippi River, and deserved credit was given to him. None hold him or his memory in higher admiration and esteem than do I. I knew him well, and when governor of California I took the responsibility of inviting him to come to that State and there investigate the great question that was agitating the public mind—the filling up of our rivers with the débris flowing from the mines. He came there. He made a personal examination, and his report has been productive of much good and benefit to our people. We are carrying out, on the lines he proposed, some of the improvements to our rivers with the most satisfactory results. Yesterday in the discussion the Senator from Missouri [Mr. VEST] or the Senator from Oregon [Mr. MITCHELL] said that all the credit was due to him, and that the Government engineers were mistaken. I do not claim that the United States engineers are infallible. They undoubtedly make mistakes at times.

Mr. MITCHELL of Oregon. Will the Senator from California yield to me for a moment?

Mr. PERKINS. Certainly.

Mr. MITCHELL of Oregon. I was surprised in looking over the RECORD this morning to find that in the little colloquy I had with the Senator from Louisiana [Mr. CAFFERY] yesterday I inadvertently made a statement which was entirely too broad and is calculated to do an injustice to the Engineer Corps.

In attracting the attention of the Senator from Louisiana to the Eads proposition in 1873, when that subject was before the Senate committee, I said:

At that time a controversy was going on in one of the committees of this body, of which I happened to be a member. Mr. Eads came before the committee with a project for improving the mouth of the Mississippi River. I had but little faith in it. I was a member of the committee, as I stated. The army engineers were unanimous in opposition to his scheme, from the Chief of Engineers down.

The latter statement was inadvertently and unintentionally made by me. What I intended to say, and what I really supposed I had said until I read the RECORD this morning, was that the then Chief of Engineers, General Humphreys, and those associated with him in the office here—in other words, that portion of the Engineer Corps whom we consulted then as we do now, General Craighill and his associates, were unanimously opposed to the Eads proposition. That is what I intended to say, but my statement was entirely too broad when I said that the whole Engineer Corps, from the Chief of Engineers down, were opposed to it. That statement was an injustice to the Engineer Corps, and I intended, as soon as the Senator from California took his seat, to make the correction. But inasmuch as the Senator was referring to the matter at this time, I thought the proper time to do so was now.

Mr. PERKINS. I could not expect less from my distinguished friend the Senator from Oregon [Mr. MITCHELL] than that which he has so frankly stated and which is a simple act of justice to our Government engineers. I was about to say that I am sure he was laboring under some erroneous impression, or that he had received wrong information, as the facts he has stated had been imparted to me personally by Mr. Eads.

There is one other thought. I do not like to trespass so long upon the patience of the Senate, as the question has been so thoroughly discussed. My distinguished colleague [Mr. WHITE] presented it in all of its phases, and I have endeavored not to enter upon any of the particular lines of thought which he followed. There are some suggestions, however, which I have gathered in the practical school of experience which it seemed to me pertinent to offer at this time, and that is my excuse for intruding so long upon the patience of the Senate.

There is one point against constructing a wharf in an open roadstead or arm of the sea which has not been alluded to, and that is the undertow. It may not be known to all, especially to those who have not given it thought, that any shore presenting a line to the ocean has what is known as an undertow; that is, the waves come rolling in like an avalanche, combing up over each other on the beach, taking a rotary motion. The result is that when the waves recede they run back with a strong undercurrent. That is what nautical men call the undertow. Any vessel lying at one of these open wharves feels the effect of this undertow. It is stronger than the waves which are pressing her in toward the beach. The careful mariner moors his vessel so that in surging backward and forward the line that holds and counteracts the effect of the undertow is as strong as the one that resists the desire of the waves to press the vessel onto the shore. The result is that the vessel is in a swing, as it were, backward and forward, forward and backward, with the never-ceasing motion of the ocean.

I do not believe, and I do not think any engineering man does, that any breakwater exposed to the open sea can be constructed which will counteract the action of the undertow. It is fatal in a degree to the rapidity and the safety of handling freight. We lose large quantities of freight overboard and by being broken by falling from the slings upon the wharf, caused by the constant surging to and fro of the vessel. At Port Harford there is a rock perhaps 3,000 feet out from the north point of the bay, and the Government has made appropriations for the building of a breakwater from the



shore to this rock. The harbor is landlocked almost, and yet the undertow is present, especially when there has been a severe storm at sea. It must continue there. It is against the law of nature to have it otherwise in bay, inlet, or other place where the actions of the waves can affect the water. Therefore it is impossible to have in any open roadstead a successfully protected harbor where the vessels may be taken on the beach, or launched from the beach, and boats pulled up for repairs or safety.

The amendment proposed by my distinguished colleague [Mr. WHITE] provides that a new commission shall be appointed, whose duty it shall be to reexamine these two localities, Santa Monica and San Pedro. In doing this he has stated that which the people expected. He has voiced the sentiments of the people of California, the people of his own city, the people of the great West, that commerce demands and requires a great port of entry and a port of export in California. We want this money expended where it will do the most good. We want the Government to help us build this harbor, but we do not want them to build it at a place where commerce will derive no benefit. As there has been a great difference between private engineers and Government engineers as to the best locality, my colleague says, "Let us have a new commission." First, we will select one engineer from the Navy with rank not lower than that of commander. He holds his position for life. He is educated by the Government, and step by step, from midshipman to ensign, from ensign to lieutenant, from lieutenant to commander, and from commander to captain, he has won his epaulets by service. He holds his appointment during life or good behavior, not subject to the caprice of any political party. Who can object to such a commissioner?

He selects another one who is connected with the Coast and Geodetic Survey. Who is as capable to judge as the one who made the charts, who made the soundings, who knows the hydrography of the sea as well as the topography and the triangulations of the land? He says, "Let us select one from that department." Then, wisely, in my opinion, he has said that after the money has been appropriated by the Government it must be expended by the United States Corps of Engineers. The corps is composed of men who, as I said before, are selected because of their skill. They, too, have advanced by reason of their special fitness to discharge the duties of their important offices. They have never proven recreant to duty, nor have they failed in any charge delegated to them. It seems to me eminently proper that one member should be selected from the Corps of Engineers, because they are to construct the work, and they should pass upon the practicability of doing so—whether there is good material at hand, whether it is an engineering possibility. Yet my friend the Senator from Maine [Mr. FRYE] says, and I hardly think he means it, that a subordinate would not dare to differ with his chief, that a subordinate would not dare to set up an opinion of his own. My friend the Senator from Maine does great injustice to true manhood when he says that. It is the primary lesson, it is one of the elementary studies in that Academy, that the young cadet shall be independent, that he shall speak for himself and reason for himself. It is the benefit of the judgment of such men, and not their superiors' judgment, that the amendment proposes to give to the commission. I say it is unjust, it is unfair to make the assertion.

But I feel so deeply interested. I am so anxious that an appropriation shall be made for a great commercial port in the proper

place, that I wish to ask my colleague to consent to this amendment, and thereby quiet the objection of the Senator from Missouri and the Senator from Maine. I want him to make this proposition to those who so strongly advocate the location of the breakwater at Santa Monica. I want him to say to them, "Although it is not right, it is not just to the engineers, yet I will sacrifice my feeling in the matter, and, if you will consent to this amendment, I will agree that the President of the United States shall, instead of one member from the Engineer Corps of the Army, appoint one from civil life, a practical engineer." I believe, upon reflection, he will consent to do this, and if he does the amendment should be unanimously adopted.

Mr. STEWART. Will the Senator allow me?

Mr. PERKINS. Certainly.

Mr. STEWART. There was a question suggested yesterday with regard to the rivalry between different railroads to obtain access to the Bay of Santa Monica. What is the fact in regard to that, and what is the law in regard to connection with the harbor?

Mr. PERKINS. I do not think that there is so much in that proposition as has been made to appear. I do not think that any railroad company can monopolize any one port. While, if they own the land, they have a great advantage as to warehouses and other terminal facilities, yet under the laws of our State, as I understand them, anyone can make application to the board of supervisors for a franchise to build a wharf anywhere on the coast within one or two thousand feet of another wharf. It is only necessary for them to show that the demands of commerce or of business require it, and the board of supervisors can then regulate the rates of toll over the wharf.

Mr. STEWART. There is no arbitrary rule, then, but it may be done wherever it may be required by commerce. Have they that right?

Mr. PERKINS. I so understand.

Mr. STEWART. Is the Senator advised as to who owns the land at Santa Monica?

Mr. PERKINS. I am not, but it matters not who owns it, the right of way can be condemned there, and other wharves can be constructed, if the proper showing be made to the board of supervisors.

Mr. STEWART. There has been some question made with regard to the position of the outer harbor at San Pedro. It has been suggested in argument that it is open to the southeast wind, and that that was an insuperable objection to it.

Mr. PERKINS. I did not feel called upon to expatiate particularly upon the merits of San Pedro Harbor, because we have the reports of two boards of engineers before us, and they have been spread in full upon the records of the Senate, and have fully answered the queries in relation to that subject.

Referring to the southeast winds, I would say that they prevail, but are of very short duration. They blow pretty strong while they are blowing, but it is the experience of all nautical men that the winds blowing from the southeast soon chop around to the southwest, and the sea waves that roll in all come from the southwest. One of the advantages of San Pedro over Santa Monica is that the island of Santa Catalina, located some 15 miles away, about 18 miles long, rising up out of the ocean nearly 3,000 feet, acts as nature's great breakwater to the Bay of San Pedro.



Mr. STEWART. As to winds coming from the south?

Mr. PERKINS. As to winds from the south and west.

Mr. STEWART. I am talking about southeast. The gale comes sometimes from the southwest; but if a heavy gale comes from the southeast, what effect would it have on the San Pedro Harbor? What effect would it have upon ships sailing into the bay?

Mr. PERKINS. It depends upon their ground tackling, their anchorage. I have known a great many ships to hold on there during a southeast gale.

Mr. STEWART. Would that depend entirely upon the ground tackling?

Mr. PERKINS. There is no question about that; it would be as at any other place.

Mr. STEWART. The Senator will recollect he explained to me one day the effect of the case made before the committee, and if I understood him aright he thought Santa Monica was decidedly the better place?

Mr. PERKINS. Not the best place, but that the best argument had been presented.

Mr. STEWART. And that all the weight of evidence was in favor of Santa Monica?

Mr. PERKINS. I did. I listened to the testimony before the Committee on Commerce of the Senate, and I am frank to say that it presented a very taking case, but, upon examination of the charts of the coast, especially of the 10 and 15 fathom curve line, and the soundings off Vincente and Point Firmin and Point Dume, I think the truth was painted by the advocates of Santa Monica in Titian colors.

Mr. STEWART. The Senator has described the harbor of Santa Monica as being exceedingly dangerous on account of the constant moving of the waves, and yet during the last three or four years vessels have loaded and unloaded at that port without difficulty. Is not that correct?

Mr. PERKINS. There is no question about that. I think I admitted in my remarks that ships, unless there were very heavy gales, could and did lie close to those wharves and discharge their cargoes, but, of course, not with the ease or facility that they could in still water. That applies to Santa Monica, and I also state that it applies with equal force to 16 other wharves on the coast which I could name. Our captains, or those who have charge of vessels navigating the ocean in the coastwise business, become thoroughly familiar with these different localities. It would seem at times almost impossible to make a successful landing; and yet they have done so, and continue to do so. I reiterate that which I stated before, that Santa Monica is one of the best wharves on that coast or any other coast. It answers the purposes for which it was constructed. It was and is a good business investment. But the question we have under consideration is the appropriation by this Government of \$3,000,000 for the purpose of building a breakwater. Is it practicable to build this breakwater, and, if it is built, will it bring the result that each of us desires?

Mr. STEWART. Is the Senator in favor of building a breakwater at one or the other place, or in favor of abandoning them altogether?

Mr. PERKINS. With the report of the board of engineers before me—

Mr. STEWART. I am speaking now of the Senator's knowledge of the situation. He is a sailor and navigator, and I want the

opinion of a sailor and a navigator in the Senate. I want to say that these engineers are selected on altogether different lines. As has been stated, they are selected on account of their military knowledge; they are builders of military forts; they do not navigate the sea, and I would rather trust the Senator from California as to any harbor on the coast where he has navigated and where he lives, than any corps of engineers. Of course he would know more about it, because it is his specialty, it is in his line.

It is not the business of the engineers to find harbors. They construct harbors after they are found. I remember an instance at Duluth. I was interested there. The engineers reported that the only way to build a harbor there was at the mouth of the St. Louis River, about 5 or 6 miles south of Duluth. The people were very anxious that there should be a harbor on the northwest corner, but the engineers were all against it. They finally dug across the points which run out there several miles and connected with the bay inside. They ran across this point up near Duluth, when they were enjoined. Finally, they got inside and made a good harbor after the engineers had all given it up. They have built up the main harbor now, and the objections the engineers made to it have not materialized. Engineers may be mistaken the same as anybody else; and locating harbors, as I have said, is outside of their specialty. But the point I make is that the Senator from California has some experience, and I will ask him one or two more questions.

Mr. PERKINS. Let me first answer the questions the Senator has already put.

Mr. STEWART. Very well.

Mr. PERKINS. When the Senator comes to California this summer I shall be pleased to take him yachting, and I shall try to find some quiet little cove, where we can discuss this question fully, and, combining the placid waters of the Pacific with other artificial ingredients, which we will secure, we shall make the trip a pleasant one for him.

We are acting here, however, Mr. President, in the capacity of representatives of the people and voting to appropriate a certain sum of money for certain purposes. It may not be improper for me to state that I accompanied a delegation to the Committee on Commerce of the House of Representatives early in the session—a delegation that came from San Jose, Cal. They were asking for \$25,000 for the purpose of straightening an arm of San Francisco Bay, an estuary that runs up to the town of Alviso, which is the depot for vessels from the great Santa Clara Valley. The gentlemen composing that committee listened to the remarks of the delegation patiently for a time, and finally interrupted with the question, "Have the Government engineers surveyed that place?" "Yes; some years since." "Have they made an estimate of its cost?" "No." "Do they recommend the appropriation?" "Well, no; but yet they favor it." "It is useless, gentlemen, for us to listen to you. It is a rule of this committee and of Congress to make no appropriations for rivers and harbors or like improvements until the Corps of United States Engineers have surveyed them, have estimated the cost, and recommended the practicability of the same."

The delegation returned to San Jose; and ever since the Committee on Commerce of the Senate has recommended the expenditure of \$3,000,000 for the improvement of Santa Monica against the recommendation of the United States engineers I have been

wondering what I should say to that delegation when I returned to California and was confronted by them and they said, "You, our representative, could not get us even a hearing because we had not the recommendation of the Government engineers, and yet in the Senate you appropriated \$3,000,000 for an improvement which the Government engineers have not recommended." I have been wondering what I shall say to them in reply. The only answer I can find is that perhaps the Senator from Maine or the Senator from Nevada will explain the action taken.

Mr. STEWART. I am trying to find out what the Senator thinks about this question, for I regard his opinion as much more valuable than that of a man who is not an expert in navigation. The Senator is a sailor. He has already said that Santa Monica was an excellent place, the best place on the coast. He has already told us that ships have been in the habit of loading and unloading there without any difficulty for the last three or four years. I ask the Senator could they do that at San Pedro?

Mr. PERKINS. I think so, after constructing a proper wharf, not the same as my friend from Maine, who is very ingenious, but wanted to build with its side to this breakwater. I admired the ingenuity with which he presented the case yesterday. Here is the point: He proposed building a wharf heading west instead of southwest at San Pedro and then a southwest wind would strike against it broadside. I would have said to him: "Senator, I would build my wharf head to the sea, and then it would stand." Of course it will not stand otherwise or on the line you would construct it upon.

Mr. STEWART. They can build a wharf just as the case stands now to answer equally for the purpose at Santa Monica.

Mr. PERKINS. I think so.

Mr. STEWART. Then they were very foolish to leave off building a wharf there?

Mr. PERKINS. No; because the other place is some twelve hours nearer to San Francisco, and has some other advantages.

Mr. STEWART. What other advantages has it?

Mr. PERKINS. It has deeper water, and they are saved from building a long line of railroad out to San Pedro Point to the wharf. The Senator is thoroughly familiar with it. The wharf could be built outside of Dead Mans Island and run out southwest to the sea without any trouble.

Mr. STEWART. Do I understand that the Senator is willing to have an appropriation made at one place or the other?

Mr. PERKINS. I want to reiterate again and again that the necessities of southern California demand a deep-sea harbor. We want to make no mistake, and I am willing to vote for this amendment, and I hope my friend, if he wants the best place selected, will vote for the amendment proposed by my distinguished colleague from California, and make this appropriation definitely.

# THE PUBLIC HEALTH SERVICE

I would not abolish or overthrow the Public Health Service if I could. I would make it broader, more tolerant, more humane. I would have it presided over by a man of broad, tolerant, and humanitarian views, who could look beyond the dead line of the so-called regular school of medicine and seek for, find, and apply for the common welfare all that is good in every school of medicine, old and new, and all other methods of healing, saving none, favoring none.

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## SPEECH

OF

# HON. JOHN D. WORKS

OF CALIFORNIA

IN THE

## SENATE OF THE UNITED STATES

JANUARY 5 AND 6, 1915



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# SPEECH

OF

## HON. JOHN D. WORKS.

### THE PUBLIC HEALTH SERVICE.

Mr. President, it has come to be regarded as a sacred duty of the National Government to maintain and preserve the public health. In the performance of this duty we have established a bureau of the Treasury Department known as the Public Health Service. We have been making lavish appropriations for this service. The annual expenditures for the Health Service in its various branches, including the Army and Navy, now exceed \$20,000,000 a year. We have a Surgeon General at the head of the Public Health Service proper, a Surgeon General of the Army and a Surgeon General of the Navy, and under them an army of surgeons, assistant surgeons, and subordinates of various and sundry kinds running up into the thousands. In a statement issued nearly two years ago by the Secretary of the Treasury, under a resolution offered by me calling for information, a detailed enumeration of expenditures in the interest of the public health was given and a summary of the information thus furnished and also a brief recapitulation by departments, as follows:

Departments and bureaus.	Expenses of operation and maintenance.	Salaries and other compensation.	Total expenses.	Number of officers and employees.
State Department.....	\$36,084.09	.....	\$36,084.09	.....
Treasury Department.....	668,289.55	\$1,236,413.49	1,904,703.04	1,507
War Department.....	2,375,574.56	2,838,516.13	5,714,090.69	4,521
Panama Canal.....	628,641.44	991,749.68	1,620,391.12	1,634
Soldiers' Home, Washington, D. C.....	65,469.01	23,415.56	88,884.57	89
National Homes for Disabled Volunteer Soldiers.....	755,022.61	291,719.21	1,046,741.82	1,244
Navy Department.....	1,911,522.88	1,819,000.00	3,730,522.88	2,074
Interior Department.....	892,422.70	684,691.40	1,577,114.10	1,278
Department of Agriculture.....	347,225.60	3,551,977.28	3,899,202.88	3,159
Department of Commerce and Labor.....	44,739.83	95,060.03	139,799.86	98
Department of Justice.....	32,598.18	9,953.00	42,551.18	28
Total.....	8,257,590.45	11,542,495.78	19,800,086.23	15,632

This shows an expenditure for the health service of the Government for the fiscal year 1912 of \$19,800,086.23, considerably more than half of which was paid for the salaries and other compensation of 15,632 employees, all of whom were of one

school of medicine or under its control. No other school of medicine or mode of healing is recognized or considered. The number of employees and expenses have been largely increased since then. In the endeavor to preserve the public health we have given the Surgeon General and his subordinates almost unlimited powers. We have usurped the constitutional rights and liberties of the individual. If contagion is feared, or an epidemic of disease, the Surgeon General is clothed with or assumes despotic and autocratic power. His authority is not exceeded by that of the general of the Army in time of martial law. He represents, for the time being, the enormous and unrestrained police power of the Government. He may restrain and imprison a citizen and prescribe and enforce the habits of the people, what they shall eat and what they shall wear, and where and how they may live. Even in ordinary times his power is little less despotic and unrestrained. When we travel he may determine for us what we shall drink and how we shall drink it. The useless and unnecessary precautions taken to keep us in good health are often burdensome and humiliating in the extreme.

Mr. President, we have given over this vast power over the lives and habits of our people to one public official, and the people are compelled to submit to his domination and dictation whether they will it or not. But, unfortunately, most of our citizens are willing and submissive slaves to the doctor whether he appears in the uniform of a public official or serves in a private capacity. The extent to which intelligent people submit to the ministrations of the physician or surgeon, take his obnoxious drugs, and submit to be carved, mutilated, and maimed by the surgeon's knife is one of the wonders of the age. The country is filled with hospitals, many of them veritable slaughterhouses, as reputable surgeons themselves bear witness. The incompetency and recklessness of some physicians and surgeons have filled more graves and mutilated and maimed for life more of their unfortunate victims, made more drunkards, and drug fiends, and more helpless and suffering invalids than probably any other cause. And, sir, it is in the hands of a profession composed to a large extent of such as these that the health and happiness of a suffering and deluded people now mainly rest, and that in large measure by force of laws enacted by Congress and State legislatures. And this is not the worst. Our Public Health Service has been given over without question to just one school of medical men to the absolute exclusion of all other modes of healing. The allopathic or old school of medicine, called by themselves the "regular" school, is made the standard mode of healing and is supreme. No different method is recognized or even considered. No citizen, in time of existing or threatened contagion or epidemic of disease, is allowed to exercise his individual belief or conscience as to the manner or mode of preserving or restoring his health. He must submit to the rules and regulations of the Health Department, eat and drink what it dictates, swallow the vile drugs it prescribes, and live where and as it commands. The service maintains a press bureau and sends broadcast over the country, at public expense, literature, mostly doctors' opinions about microbes and causes of disease and how to circumvent them, that breeds fear, which in turn produces and fosters disease and

cures or saves none who are unwise enough to read it, which, fortunately, very few people do.

At this very moment we have before us bills of various kinds intended to enlarge and extend the powers of this service. We have them and pass them every session. The demands of the force for greater power and larger pay are continuous and insatiable. We grant their requests and submit to their continuous demands because of our childlike confidence in the infallibility of the doctors in the matter of health. If they say it is necessary for the public good, who is there with wisdom enough to question their actual or assumed technical knowledge on the subject? We have other bills before us, and they are being introduced at nearly every session of every legislature, intended to perpetuate the old school of medicine and to exclude from consideration every other school of medicine or method of healing. Among other bills that have been pressed for consideration and passage is what is known as the radium bill. Like many other bills of the present time, it is fathered and urged for passage by one of the departments of the Government, moved thereto by the doctors. Its purpose is to preserve in the National Government the title to all radium-bearing public lands. What for and on what theory? Because some doctors have said and some people believe that radium is a cure for the dread disease of cancer. This claim is stoutly denied by other physicians of high character and standing; but no matter, Congress is asked, in effect, to indorse and become sponsor for the radium cure for cancer. It now indorses with all its great power and backs with its unlimited influence, resources, and wealth one school of medicine, and in practice condemns every other so far as governmental health activities are concerned, and compels the people to receive into their bodies vile and loathsome serums and other remedies. But that is not enough. We are asked now to step in and monopolize in the Government the radium trade, and at the same time advertise this mineral as a specific for cancer, and hold out what is certain to prove a false and delusive hope to the poor unfortunates who are suffering from this disease, rob them of their money to the advantage of speculators in human lives, and add to the discomfort and suffering of those so afflicted.

Mr. President, the consideration of these conditions and many others that might be mentioned has strongly influenced me to lay before the Senate some reasons why the Government should no longer cling to one mode of healing to the exclusion of every other and lend its powerful aid to the building up of one school of medicine. I have come to this conclusion with no little reluctance. To me the administration of the Public Health Service is a sacred duty. It affects the comfort, the health, the liberty, and the lives of millions of our people. We have constituted ourselves the guardians of the public health. It is a guardianship that we can not delegate, without reason or intelligent inquiry, to any school of medicine. This great Nation, through its Congress and other agencies, should be broad enough to seek and try, without prejudice or bias, to find the most effective means of preserving the public health, and have courage enough to apply it to the needs of the people, but always leaving every citizen perfectly free to resort to such

means of preserving his health as he desires and believes in. If one wants the doctor, whether allopathic, homeopathic, or of any other school, he has just as much right to choose his physical remedy as he has to choose his church. So, if he believes in Christian Science as a means of preventing and healing disease, his right to resort to that remedy is just as sacred in this free country as is the right of the other man to resort to the doctor and his material remedies.

The Government may properly investigate and educate and advise, but it has no right to coerce any citizen to resort to or use any remedy against his own will, judgment, or conscience. I have strong convictions on this subject of physical healing, the result of long suffering and an abundant personal experience. I hope and believe that these bitter experiences and my final relief from my physical ailments and great sufferings for many years by means other than those now fostered and maintained by the Government have not made me a fanatic or unreasonable or unjust toward people who do not believe as I do and have no sympathy with my views or convictions. I recognize the fact, and here acknowledge it with pleasure, that there are many high-minded and conscientious men engaged in the medical profession who are doing very much to alleviate human suffering. They are loyally and faithfully devoting their lives to this great purpose. To such as these I accord great honor. They are entitled to and deserve and have my entire sympathy in their efforts. Many of them are devoted and self-sacrificing humanitarians. But the difference between us is that some of them have not discovered a better remedy for disease than the one they employ, and others are not yet willing to acknowledge that there is a better mode of healing than their own, in the face of the most convincing evidence to that effect, while I, in my own experience and by later observations, have been convinced that drugs and other material alleged remedies do not heal and that there is a remedy that, if rightly applied, will heal all our diseases. I have been the more reluctant to enter upon this discussion because it necessarily leads in an indirect way into a discussion of religion, because of the conscientious belief on my own part, and of thousands of others, that the healing of disease is as much a religious rite as redemption from sin, and that the same principle that regenerates the sinner, applied in precisely the same way, heals the sick. So, in presenting my views on this subject, I come directly in opposition to two powerful forces—contrary religious convictions as sincere as my own and the medical profession, that sees its teachings of centuries put in peril and about to be overthrown and its material interests invaded. The one defends his calling upon which he depends for a livelihood, and holds stubbornly to his position that all knowledge and understanding of disease and its cure is confined to the medical profession, especially his own school of medicine, and that all who believe in or practice any other mode of healing are therefore fakirs and quacks. He assumes at once that the practice of any mode of healing except his own is a menace to health and life and should be suppressed by law. Some of these are honest and conscientious in their views, while others are themselves frauds and fakirs and are looking alone to their own selfish interests. The other class, often intelligent and conscien-



tious, fear, or profess to fear, that the only safe plan of salvation is put in peril, and denounce those who believe that the only true source of healing is divine as un-Christian and unbelievers who are contributing to the loss of men's souls as well as their bodies. Men, and especially women, change their religious views with the greatest reluctance, and only upon convincing and, to them, unanswerable evidence of the error of their beliefs.

The world has been taught for centuries to believe that religion pertains only to the spiritual; that man is a material being and can only be healed when he is sick by material means; and that the only resort in case of disease is the doctor and his drugs. Consequently, their faith in the doctor has become a fixed fact. They see no other means of relief. To such as these, to assail the methods of the doctor in whom they put their trust is to attack their household god, their sole and only source of relief in sickness, their shield and buckler in the battle of life. Not only so, but the great masses of the people believe that God, in his wisdom, sends sickness and disease upon his children to punish and chasten them in their course through life. But, strange as it may seem, they at once question the divine decree and resort to the doctor for relief from its effects. Thus they array the doctor against God, the supposed cause of disease, with the hope that he may frustrate the divine purpose. So the doctors and the All Wise Father of us all, whom we worship as divinely and wholly good, are made to appear as enemies striving against each other, with God on the wrong side. How inconsistent and unreasonable it all seems when we come to think about it.

Mr. President, I have no animosities against either the doctor or the preacher. So long as people believe as the majority of them now do, they are both necessary—the one to minister to the prevailing belief about sickness and disease, their cause and their cure, and the other to meet the necessities of erroneous but conscientious beliefs about man and his relation to his Maker. I have no criticism to pass upon the good faith and worthy purposes of the one or the other. My purpose is to consider principles and not men, and to show, if I can, that the prevailing beliefs about God and his relation to sickness, disease, and suffering here on earth are mistaken, and that through those mistaken beliefs and the practices growing out of them sickness and suffering are increased and not diminished, and that it is the solemn duty of the Government to abandon its position of accepting one school of doctors as the only reliable school and the remedies they recommend and use as the only ones to be depended upon, and to investigate, through broad-minded, unbiased, disinterested men, all sources of healing, with the common good always in view and with the fundamental doctrine of freedom and liberty of conscience to the citizen always in mind.

Of course the reliability of different methods of healing must, in part at least, be tested by comparison one with another. All human methods are necessarily imperfect, as is every method that must be exercised and applied through human agencies. History has disclosed but one perfect healer of both sin and disease, and even in his case it is said that under cer-



tain adverse circumstances and conditions good and perfect work could not be done. But, sir, I maintain and think I shall show before I have concluded that there is a perfect principle and system of healing which, if rightly and understandingly applied, will prevent or cure any and every disease of whatever kind or nature, and that the failure to heal any disease in a given case is not the fault of the healing principle but results from the erroneous attempted application of it. Before I have done I will produce my witnesses, proving to the satisfaction of any unbiased and reasoning mind the truth of the claim I am making. Some of the witnesses I know personally and can vouch for their integrity and reliability. Others I can vouch for from the recommendations of others, who are known by me personally as reliable and trustworthy. I shall not knowingly bring to the attention of the Senate any evidence that is not worthy of entire confidence. This is a solemn subject, that no man can afford to trifle with, and one about which it would be cruel and unjust, yea, inhuman, to mislead or deceive. So, Mr. President, I shall deal with the subject with entire freedom and frankness. It will be my endeavor to show, in the first instance, the unreliability of the methods of healing and preventing disease now resorted to in the public service and promoted and maintained at the public expense and the cruel injustice of excluding from consideration or practical application other methods that have brought health, comfort, and happiness to millions of people, who are rejoicing and praising God for their deliverance from sorrow and suffering. I can not remain silent while the Government, which in part I represent, is a party to such injustice.

In dealing with this question and criticizing methods and measures I exclude from consideration the work that has been done in the way of sanitation. This work, on the part of the Public Health Service, is to be commended. I do not question its efficacy or value as a means of preventing disease.

Mr. President, I hope Senators will understand that in what I am about to say it is not my purpose or my desire to criticize or attack any individual profession or class. My sole object is to show the injustice and inconsistency of the National Government looking to one school or kind of healing to the exclusion of all others, and of laws intended to exalt that one school and suppress and destroy every other. To do this I must perform the unpleasant duty of showing not only that this school is unreliable and unworthy of the confidence and support of the Government but that there are other remedies, and remedies that the Government is refusing to consider, that are more reliable and trustworthy. Not only so, but the right of individuals to resort to the remedies of their choice is constantly being violated and the application of those remedies forbidden by law and made a penal offense. It is a most serious question, involving the liberties of the people in a matter of life and death and, to some of them, of liberty of religion and conscience.

I am not pleading for legislation in favor of any class or any mode of healing. What I insist upon is that no class shall be oppressed or prevented from doing their work by adverse and restrictive legislation. In short, I stand for liberty of thought and conscience, for justice to all classes and all people.

### Inefficiency and Dangers of Medical Practice.

In the preface to a pamphlet entitled "The Fallacy of the Prevailing Practice of Medicine," by Alexander K. Calhoun, it is very well said:

When the people see medical men so persistent, as they now are, in their attempts to establish a medical oligarchy in this State, and see millions of dollars of their money going into health boards, it is but natural for them to conclude that the time has arrived to thoroughly investigate the prevailing practice of medicine in order to determine whether or not the doctors give value received for their money.

In this same pamphlet are given the opinions and conclusions of many leading doctors reflecting more severely than I should want to do on their own profession. I give these quotations here, omitting the comments made upon them by the author:

Dr. Oliver Wendell Holmes, who was a past master in the practice of medicine, said: "Mankind has been drugged to death, and the world would be better off if the contents of every apothecary shop were emptied into the sea, though the consequences to the fishes would be lamentable."

The celebrated John Abernathy, professor of anatomy and surgery, Royal College of Surgeons, author of *Surgical Observations on the Constitutional Origin and Treatment of Local Diseases*, said: "There has been a great increase of medical men of late years; but, upon my life, diseases have increased in proportion."

Prof. Hermann Boerhaave, M. D., a celebrated German physician, said: "If we weigh the good that has been done to mankind by a handful of true disciples of *Æsculapius* against the evil wrought to the human race by a great number of doctors since the origin of the art of medicine to our own time, we shall doubtless come to think that it would have been better had there never been any doctor in the world."

Prof. C. A. Gillman, M. D., says: "A mild mercurial course and mildly cutting a man's throat are synonymous terms."

Prof. François Magendie, M. D., Paris member of the French Institute of Medicine, celebrated physiologist and teacher, wrote and lectured as follows: "Let us no longer wonder at the lamentable want of success which marks our practice when there is scarcely a sound physiological principle among us. I hesitate not to declare, no matter how sorely I should wound our vanity, that so gross is our ignorance of the real nature of the physiological disorder called disease that it would perhaps be better to do nothing and resign the complaint into the hands of nature than to act as we are frequently compelled to do, without knowing the why and wherefore of our conduct, at the obvious risk of hastening the end of our patients."

In addressing his medical class, he said: "Gentlemen, medicine is a great humbug. I know it is called science. It is nothing like science. Doctors are merely empirics when they are not charlatans. Gentlemen, you have done me the honor to come here to attend my lectures, and I must tell you frankly now, in the beginning, that I know nothing in the world about medicine, and I don't know anybody who does know anything about it. Who can tell me how to cure the headache, or the gout, or diseases of the heart? Nobody. Oh, you tell me doctors cure people. I grant you people are cured, but how are they cured? Gentlemen, nature does a great deal; imagination a great deal; doctors—devilish little, when they don't do any harm. Let me tell you, gentlemen, what I did when I was physician at the Hotel Dieu: Some three or four thousand patients passed through my hands every year. I divided the patients into two classes; with one I followed the dispensary and gave the usual medicine, without having the least idea why or wherefore; to the others I gave bread pills and colored water, without, of course, letting them know anything about it; and occasionally, gentlemen, I would create a third division, to whom I would give nothing whatever. These last would feel that they were neglected, but nature invariably came to the rescue, and all the third class got well. There was but little mortality among those who received the bread pills and colored water, but the mortality was greatest among those who were carefully drugged according to the dispensary."

Prof. William Cullen, M. D., famous teacher, lecturer, and author of the world-renowned *Treatise on Materia Medica*, published the following: "Our *Materia Medica*s are filled with innumerable false deductions, which are nevertheless said to be derived from experience."

Prof. Martin Payne, M. D., said: "Drugs do but cure one disease by producing another."

In the Philadelphia Record, April 9, 1905, Dr. S. Solis Cohen said: "Until quite recently one of the most efficacious remedies for tuberculosis in its milder forms was raw meat, which was given the patient at least once a day, but after a time we discovered that this had a tendency to generate tapeworms, and as a result the treatment is now practically obsolete."

John Mason Good, M. D., F. R. S., author of *The Study of Medicine*, in that work says: "The science of medicine is a barbarous jargon, and the effects of our medicines on the human system are in the highest degree uncertain, except, indeed, that they have destroyed more lives than war, pestilence, and famine combined."

Dr. Reid said: "More infantile subjects are perhaps destroyed by the mortar and pestle than in the ancient Bethlehem fell victims in one day to the Herodian massacre."

The celebrated Dr. Ramage said: "It can not be denied that the present system of medicine is a burning shame to its professors, if, indeed, a series of vague and uncertain incongruities deserves to be called by that name. How rarely do our medicines do good! How often do they make our patients really worse! I fearlessly assert that in most cases the sufferer would be safer without a physician than with one. I have seen enough of the malpractice of my own professional brethren to warrant the strong language I employ."

The venerable Prof. Alex. H. Stephens, M. D., of the New York College of Physicians and Surgeons, said: "The older physicians grow the more skeptical they become of the virtues of medicine, and the more they are disposed to trust to the powers of nature."

Francis Adams, A. M., M. D., LL. D., M. R. C. S., said: "We can not think of the changes in professional opinions since the days of John Hunter without the most painful feelings of distrust in all modes of treatment."

John Stileman Bostock, M. R. C. S., L. S. A., in his history of medicine, says: "And in the space of less than 40 years we have gone through three revolutions of opinion with respect to our treatment of typhoid, a disease of very frequent occurrence and of the most decisive and urgent symptoms."

Dr. Adam Smith said: "The chief cause of quackery outside the profession is the real quackery in the profession."

Prof. Reil said: "Our knowledge of the effects of medicine is empirical."

Thomas Smith, F. R. C. S., the great surgeon, wrote: "Medicine as a whole, as it comes to us, has none of the exact laws of science, nor are its doctrines capable of demonstration."

Deitrick George Kieser, a great physician and a highly esteemed authority in medicine, said: "In many cases the old saying holds good, that the remedy is worse than the disease, and the doctor does more mischief than the malady."

From a medical journal of April, 1904, we clip the following: "Drug treatment is useless in cases of pneumonia. The medical profession, so far as medicines are concerned, can be of no assistance in the fight against this disease. The sooner the profession will acknowledge this to the public, and set to work to discover some specific to save pneumonia patients, the better for all concerned."

This startling statement by Dr. Arthur D. Bevan, who stands high in the profession, has stirred up the members of the Chicago Medical Society at their meeting. Several physicians sprang to their feet to protest against this arraignment. All had to admit, however, that there is no definite remedy known, and they based their protests solely on the fact that they might influence the patient favorably and cure him solely by the moral effect of their presence.

From a paper by Dr. J. H. Kellogg: "Dr. Billings, president of the American Medical Association, in his address in 1903, at New Orleans, made the assertion, almost without qualification: 'Drugs do not cure.' Yet many thousands of medical men still plod on in the old beaten paths of artificial therapeutics, dosing their patients with varied drugs and combinations of drugs, regardless of the irrational character of such a course, and contend that they have abundant authority and precedent for what they do."

From the Philadelphia Record, May 5, 1905: "Dr. Oliver T. Osborn, of Yale University and president of the American Therapeutic Society, in his address on 'The Therapeutic Art,' delivered at the meeting of the society held yesterday in the pink room of the Bellevue-Stratford, said: 'The educated physician of to-day rarely speaks of curing, but constantly of managing a disease. He leaves the word "cure" for practitioners of a dogma, for quacks and nostrum venders. The management of a disease means the diet, hygiene, climate, water, electricity if indicated, and the necessary drugs.'"



Dr. James Gregory, who admittedly added as much reputation to the medical department of the University of Edinburgh as any other of her professors, said: "Ninety-nine in the hundred medical 'facts' are medical lies, and the most medical theories are stark, startling nonsense."

Prof. Marie Francois Cavier Bichat, M. D., French anatomist, biologist, physiologist, physician, and author, wrote: "Medical practice is said to be contradictory. I say more—it is not in any respect a profession worthy to be followed by sensible men."

Herbert A. Parkyn, M. D., said: "The laymen are familiarizing themselves with suggestive therapeutics and are healing and being healed by it in various guises, and they will soon be called upon to pronounce for or against it. Physicians are not in the class that will be permitted to pass final judgment on the practice of the healing art."

Charles Kidd, M. D., M. R. C. S., author of various treatises, wrote: "It is a sad and humiliating confession that at present our chiefest hopes of medical reform exist in the outer educated public."

Dr. J. Wylie Anderson said: "The doctors are desirous of medical legislation to protect the dear public—in fact, to save themselves. This country was sought for and founded by people of foreign lands, who fled from persecutions because of their beliefs, and the express constitutional provision was made that they were not to be interfered with in their pursuits of life, liberty, and happiness. All medical legislation is of itself in the nature of class legislation, asked for by the few and not by the masses. When the latter are happy and are not seeking redress, why should the former force upon them medical restrictions, unless from selfish motives? While believing in the highest education and qualification, I, for one, do not wish to stand for such methods; and until the demand is made by the people I am an advocate of liberty in things medical and of giving to every adult the right to pursue in his own way any method of healing that appeals to him, proving to himself the good or bad of each dogma."

"Our lawmakers should remember that the Indian tribes, with their limited amount of learning and intelligence, successfully healed themselves for ages past, as was demonstrated by their ability to endure fatigue, exposure, and hardship. Then surely the whites at this day, with their far more learning and intelligence, are capable of selecting the safest and best methods of healing, and therefore should not be prevented from exercising this privilege by State medical laws created for the sole benefit of a class of physicians who follow the dispensary as aforesaid and attempt to cure one disease by producing another. Why should these doctors be entitled to receive any recognition or protection from the State? Why should a vast army of these men have the right, as they now have, to give to sick people anything they please, even though it be patent medicine from the drug store, without the least idea why or wherefore, kill or cure? Why are State laws made to encourage and protect such practices? Is it any wonder that Oliver Wendell Holmes said mankind has been drugged to death? And does not the fact of there being about four times as many doctors in this country as are needed explain why the Americans are the shortest-lived people on the earth, the average being but 24.9 years? This marks the difference between the present condition of the whites and that of the old Indian tribes."

"As the doctors now want a national health bill passed, it will be well for us to seriously consider the question, Shall the American Medical Association or the people control this country in the future?"

Mr. President, this is melancholy reading to people who have been taught to rely upon the doctors and their medicines for relief in case of sickness and disease and who are dependent upon them for help. To thousands of us who have ceased to be dependent upon such remedies for the healing of disease it is only the revelation of the great truth that disease can not be healed by material means.

It is admitted on all sides that there are many well-known diseases that, from the standpoint of the medical doctor, are incurable. Before these the doctor stands entirely helpless and is forced to admit it. *And these are the diseases that need to be cured.* The others will get well of themselves. So where the doctor or some other healing influence is needed he and his remedies are useless, and in the others he is a needless expense and his drugs often create diseases and deadly habits that did

not exist before. The only need of the doctor—and in this respect he is useful and does much good—is to allay the fear that engenders disease and often prevents recovery. Faith in the doctor allays fear and promotes and often brings about recovery from functional or curable diseases; but bread pills flavored with the faith and confidence of the patient are just as effective and much less dangerous than all the drugs he may administer. This is well known and acknowledged by nearly all of the doctors themselves, and is coming to be well understood by others.

Perhaps the worst feature of the doctors' mistakes is their wrong diagnosis of cases. The inability to properly diagnose a case is not necessarily an evidence of either incompetency or negligence. There are certain diseases that can be discerned by the layman, the symptoms are so evident. There are others that baffle and deceive the most skillful physician or surgeon. So I am not holding the doctor as always culpable in making such mistakes. But many of them are culpable, and their diagnoses are the result of either incompetence or carelessness. But whatever the cause of them, the large percentage of such mistakes has resulted in the most disastrous consequences and untold suffering. They show also what I am trying to demonstrate, namely, the uncertainty of medical and surgical practice. They not only fail to heal, but they kill untold numbers, how many no one can tell. Dr. Richard C. Cabot, holding a chair of medicine in Harvard University, author of a standard textbook on physical diagnosis, and probably one of the ablest physicians in the country, delivered an address before the American Medical Association at its annual session of 1910 entitled "A study of mistaken diagnosis." It is an exceedingly interesting paper that has been very favorably commented upon, and the doctor very justly commended for his courage and frankness in disclosing his own mistakes in diagnosis. I take the following extract from an editorial of the *National Druggist* as giving a brief statement of the result of the showing made:

*The analysis, as may be supposed, is a very comprehensive one, embracing almost every type of disease in various stages and manifestations, and represents a careful and systematic investigation of every case, both before and after death. Its net result shows that the diagnosis was correct in only about 50 per cent of the entire aggregation of cases. In the other 50 per cent the post-mortem demonstrated that he was mistaken in his diagnosis, either by commission or omission; i. e., he had either diagnosed conditions which were not present or had overlooked those that were there; and it must be borne in mind that in this 50 per cent of correct diagnoses there were a large number of cases of diseases whose manifestations are so plain that the merest tyro in medicine would recognize them almost at a glance, such, for instance, as typhoid fever, diabetes, pneumonia, meningitis, valvular disease of the heart, and others which present a well-marked and easily recognized group of symptoms.*

It is therefore plain that if all these simple cases had been eliminated the proportion of mistakes would have been much greater, for, according to Dr. Cabot's statements, the percentage of correct diagnoses reached the low figures of 16 per cent in acute nephritis, 20 per cent in acute pericarditis, 22 per cent in chronic myocarditis, 33 per cent in broncho-pneumonia, and so on.

Now, if a man of Dr. Cabot's recognized supremacy in the field of diagnosis, with the courage and candor to face the real facts, confesses that he is only able to make a correct diagnosis in something like 50 per cent of all the cases that he undertakes, and considerably less than that in those diseases which make anything like a tax upon expert skill, what is the irresistible conclusion concerning the thousands of practicing physicians whose skill in this direction is admittedly far below that of Dr. Cabot, who have not the facilities that lie at his com-



mand and whose opportunities for verification or disproof are practically nil?

The following brief statement along the same line is taken from the London Daily Mail of June 24, 1907:

#### MISTAKEN DIAGNOSES.

In the annual report on the work of the Metropolitan Asylums Board, published to-day, it is noted that the cases of mistaken diagnosis admitted number 2,151. The percentage of error amongst cases certified as scarlet fever was 5.2 and amongst diphtheria cases 18.3.

The mistakes amongst cases certified as enteric fever were very numerous, being 33.7 per cent for all hospitals, and attaining the extraordinarily high figure of 52.1 per cent amongst the admissions at the South-Western Hospital.

An investigation by the hospital investigating committee showed that autopsies upon patients that died in Bellevue Hospital showed that 47.7 per cent of the diagnoses of diseases in that hospital were mistaken. The superintendent of that hospital is reported to have said that that was a very good showing, and that in the Massachusetts hospitals the average of erroneous diagnoses ran higher than 50 per cent.

As the doctors believe that different diseases call for different remedies, that each disease is caused by a different germ and can be healed only by a microbe whose business in the economy of things is to destroy that particular disease producer, the disastrous consequences of missing the disease and its germ in half the cases and prescribing the wrong microbe in the form of a serum or in some other preparation may well be imagined. It is not to be wondered at that the patients became the subjects of an autopsy, to find that their death more than likely resulted from the mistaken diagnosis of some doctor, whose good intentions may be conceded after the death of his patient and a revealing autopsy.

#### Mistakes and Terrors of Surgery.

Surgery has become one of the most common remedies for disease as well as injuries. It is more scientific in its operation than the practice of medicine. Some surgeons have become wonderfully skillful in the use of the knife. They apparently vie with each other in the effort to show how far the human body can be carved and mutilated and the patient still live. The desire to use the knife has become a mania with many surgeons. No one who has noticed the extent to which surgery is resorted to in these modern times can fail to know that thousands of lives are needlessly sacrificed and thousands of persons made invalids and cripples for life by this means. This occurs sometimes from the eagerness to operate but more frequently from ignorance and incompetency, but more commonly still from wrong diagnosis of disease. A conspicuous case of the latter was called to my attention a short time ago, where a bright young boy was saved from an operation by which he would have been made a cripple for life and which was declared by expert surgeons to be necessary to save the child's life. The facts, briefly stated, are these, as I had them from the lips of the boy's father: He was taken violently ill and was suffering agonies of pain. Specialists in surgery were called in, who, after examination and consultation, pronounced the case one of spinal meningitis. They informed the parents of their conclusion and that the only remedy was an operation that would mean curvature of the spine and make the boy a cripple for

life. I knew the child, and his parents have been my friends for many years. He was a boy of fine promise and until then strong, hearty, and vigorous. The agonized parents, in this extremity, asked leave to call in their family physician, who was not an expert surgeon. The surgeons consented. The physician came and, after a careful examination in the presence of the others, said to them: "This boy hasn't a single symptom of spinal meningitis. There is nothing the matter with him but a stoppage of the bowels." He gave him a simple remedy for that trouble, and the next day the boy was playing out in the yard. The father, who is a man of high character and a prominent banker in my home city, said to me that he trembled yet when he thought how near his boy Jack, who was the apple of his eye, came to being made a lifelong cripple by the surgeon's knife.

Another case that came under my personal observation, and of which I shall speak in more detail before I have concluded, was that of a young child 3 or 4 years old. She had serious trouble with one of her eyes. As in the other case, specialists were called in. They reached the conclusion that there was a malignant growth behind the eye, presumably cancerous, that could be cured only by an operation. They informed the parents that the operation would be so delicate and dangerous that no one in Los Angeles would undertake it, and advised the parents to take the child to eastern surgeons as the only means of saving her life. The parents did not take the advice, and the child was soon after healed by other means, as I shall explain later on.

These are two striking cases; one of wrong diagnosis, that would, but for the forethought of the parents, have resulted in a tragedy, the other from the mistake of the doctors in believing that there is no means of healing but their own. These two young lives were saved from the knife in spite of the mistakes of the doctors; but how many lives, young and old, have been sacrificed by such mistakes followed to their ghastly conclusions none of us can tell. There is no means of knowing. But surgeons and physicians, many of them conscientious and humane, deplore this condition more even than the laymen. They realize it more and probably sympathize with it less than we do, because they can comprehend its fearful consequences better than we can. Such as these have protested against and pointed out the frequency and the dreadful consequences of mistaken diagnosis and too frequent operations.

This is shown by the following account of the proceedings of the American Medical Association at the session of June, 1912, taken from the Philadelphia North American:

**SURGEON ROUNDLY PLAYS HOSPITAL INCOMPETENCE—DR. JOHN B. MURPHY SAYS CLUMSY MEN AND UNSKILLED ANESTHETIZERS CAUSE MANY DEATHS AND OPERATIVE FAILURES.**

[By J. Solis-Cohen, jr.]

ATLANTIC CITY, N. J., June 5.

A bomb was exploded in the camp of the hospitals late this afternoon when Dr. John B. Murphy, of Chicago, one of the most distinguished surgeons in America, declared at a meeting of the hospital section of the American Medical Association that these institutions suppress the number of deaths and infections occurring after operations in order that the medical profession generally and the public shall not learn of the surgeon's failure and carelessness in operating.

He also declared that a halt should be called in the use of vaccines, which he terms most dangerous and wicked playthings; that the great-

est mortality in a hospital is caused by incompetent men administering anesthetics; and concluded his remarks by stating that things occur in a hospital that would not stand the light of day, and unless the institutions themselves forbid the use of their operating rooms to clumsy and unskilled surgeons there is a danger of the legislators stepping in.

Dr. Murphy's remarkable paper was a complete surprise to the members of the section, which is chiefly composed of medical directors of hospitals and sanitariums and members of the medical staff. In view of the recent investigation of certain Philadelphia hospitals, as well as municipal institutions in Atlantic City and other places, it is evident that Dr. Murphy's address will be given careful consideration and his recommendation that the American Medical Association, through State committees, collect mortality statistics about every hospital in the country, carried out at once.

Mr. President, take, for example, the recent craze for removing the tonsils by surgery. This generally useless and cruel torture of young children has come largely from the modern medical idea that the public health calls for the enforced examination of all school children.

Dr. John M. Mackenzie, professor of laryngology and rhinology in Johns Hopkins University, has discussed this phase of the subject quite freely and frankly, condemning in strong terms the craze for the indiscriminate and useless removal of the tonsils. I take some extracts from an article of his on "The massacre of the tonsils":

During the past years I have been repeatedly urged by medical friends to give some public utterance by way of formal protest against the indiscriminate and wholesale destruction and removal of the tonsils, which, far above all others, is the chief and most glaring abuse in the laryngology of the present day. They have been good enough to say that a word might not be amiss from one who has been through the dust and heat of the conflict that has raged around this and other fancies in surgical laryngology which have arisen and fallen during the quarter of a century that has just passed away.

One of these friends, a distinguished general surgeon of wide experience, large practice, and exceptionally high professional skill, in insisting that I say something on the subject, gave me as his deliberate opinion that of all the surgical insanities within his recollection this onslaught on the tonsils was the worst, not excepting the operation on the appendix. And, indeed, when I look back through an experience of over 30 years, in which I have seen theory after theory, for some of which I have been partially, if not wholly, responsible myself, come and go, materialize and dissolve, I feel that, notwithstanding the fact that I approach the subject with reluctance, with diffidence, with hesitancy—with even timidity—and fully mindful of the truth that we are all liable to error, even the youngest of us, and that nowadays in some quarters apparently age and experience count for nothing, I feel I may be pardoned for saying a few words in what I consider to be the interest of the public health and therefore of the public safety.

Let me at the outset be not misunderstood. It is not my object to stir up strife, to impute unworthy motives to anyone, or to arrogate to myself any superior wisdom in the surgical management of tonsil disease.

Nor do I wish to shift to other shoulders all the blame. I, too, in my earlier days have fallen by the way. Indeed, it was once facetiously said that the street in front of my office was paved with the turbinated bones of my victims.

\* \* \* \* \*

Many years ago Austin Flint was conducting an examination in physiology at the Bellevue Hospital Medical School in New York. Among the students who came up for graduation was a bright young fellow to whom Flint propounded the following conundrum: "What is the function of the spleen?" And the lad replied that the function of the spleen was to enlarge in malarial fever. To the next question, "What is the function of the tonsil?" the boy declared that the function of the tonsil was to swell and suppurate in quinsy. "That will do," said Flint, "you have passed a perfect examination, for you know as much about the subject as I do myself." \* \* \* I remember a long time ago in a discussion on hemorrhage after tonsillotomy before a New York society a distinguished laryngologist made the



statement that he had removed without accident many thousands (I have forgotten the exact number) of tonsils, to which declaration an inquisitive, incredulous individual present, with a mathematical turn of mind, said he had made a calculation which showed that in order to have removed that many tonsils within the limit of an ordinary lifetime the operator would have to average a bushel a day.

\* \* \* \* \*

But never in the history of medicine has the lust for operation on the tonsils been as passionate as it is at the present time. It is not simply the surgical thirst from which we have all suffered in our earlier days, just as at a still earlier period we suffered from the measles; it is a mania, a madness, an obsession. It has infected not only the general profession but also the laity.

\* \* \* \* \*

In the annual reports of nearly all the special hospitals for diseases of the nose and throat, the number of tonsils removed, as compared with all other operations on the upper air tract and its appendages, is simply appalling. In conspicuous and refreshing contrast to the usual narratives of these productions, let me quote from the last report of a well-known children's hospital in this city these words of sanity and wisdom:

"The recent universal inspection of the throats of school children has revealed the fact that nearly all children at some time of life have more or less enlarged tonsils.

"That most of these are harmless if not actually physiological, and that their removal in these cases is not only unnecessary but injurious to the proper development of the child is our conviction.

\* \* \* \* \*

"Much wild and incontinent talk, for which their teachers are sometimes largely to blame, has poisoned the minds of the younger generation of operators and thrown the public into hysteria. Tonsillectomy, for example, is held out to them not only as sure cure for but as an absolute prophylactic against rheumatism and heart disease. They are told with the disappearance of the tonsil in man these diseases will cease to exist. Parents bring nowadays their perfectly sound children to the laryngologist for tonsil removal in order to head off these affections. Tonsillectomy is recommended as a curative during the agony of acute articular rheumatism.

"But the origin of the latter disease has recently been traced to an infection of the nasal mucosa following operation. To-morrow it will come from somewhere else. Those of us who are old enough to remember will recall the story of chorea. Years ago we found the cause of this affection in the nasal passages. When this view, after the usual struggle, had to be abandoned, it was suddenly discovered that the eye was the portal of entrance. To-day it has been caught in the tonsil. If we exercise a little patience, it will turn up soon in some other organ.

"In considering the question of operation on the tonsils, and especially complete removal, we must face the following facts:

"1. The functions of the tonsils are, in the present state of our knowledge, unknown. \* \* \*

"2. Whatever its functions may be, and the production of leucocytes is undoubtedly one of them, the tonsil is not, as is generally believed and taught, a lymphatic gland.

"The general ignorance of this fact has led to the useless sacrifice of thousands of tonsils, on the fallacious assumption that their functional activity may easily be replaced by the myriads of other lymphatic glands in the body. The physiological integrity of the tonsil is of the utmost importance in infant and child life."

Dr. Mackenzie is one of the ablest of his profession, and we owe him a debt of gratitude for his fearless exposure and condemnation of this tendency to use the knife unnecessarily and to the injury of the health of its unfortunate and unprotected victims.

Dr. R. K. Smith, in a health talk at the Sunday Commons in Huntington Chambers, Boston, February 1 last, is reported to have praised Dr. Cabot for having exposed the appalling facts relating to the mistakes of the doctors in their hospital work. As reported in the Boston Post, "he showed how fashion instead of actual sickness might play a great part in the treatment of

patients by telling that recent investigations indicated astonishing numbers of unnecessary operations in those two fashionable diseases, enlarged tonsils and appendicitis, and that 17 per cent of the appendixes removed at a Boston hospital were shown by autopsies to be normal," and told of a professor at the Johns Hopkins Medical School who declared in a recent treatise that the street before his office was "paved with tonsils that should never have been removed." The pathetic story is told of little Leroy Atkinson, 8 years old, who drew straws with his sister, aged 6, to determine which should undergo an operation for adenoids first. He lost the cut, went bravely to the operating table, and in a few moments was dead. William C. Johnson, 37 years old, died on the operating table in a hospital in Indianapolis, reported to be from the anesthetic. He was undergoing a slight operation on his toe. Complaint was made that Mary E. Mitchell was forced, against her will, to undergo an operation at the Bayview Asylum, Baltimore, Md., from which she died soon after leaving the operating table. Minnie Light, after a sickness of three days, died in Berlin, N. H., alleged to be from a delayed operation for appendicitis after being treated for some other disease through mistaken diagnosis. John Mehrer died in the General Hospital at Spokane, Wash., from an operation on the tonsils. Verne Alexander, aged 8 years, died from the same cause in the office of the surgeon who performed the operation, in the same city, November 22, 1911. At the same hospital in that city, August Mengelkamp, 16 years of age, died from an operation on November 24, 1911. The cause was not learned, because, as reported, the doctors "refused to discuss the case." The 4-months-old child of Mr. and Mrs. Fred R. Wood, Hammond, Ind., September 26, 1914, died from an operation. Oliver Cramer, aged 15, August 18, 1914, at Gloversville, N. Y., died from lockjaw, resulting from vaccination. Twin children of Mr. and Mrs. W. C. Ulmer, Bloomington, Ind., aged 5 years, died August 28, 1914, from an operation removing their tonsils. Mena Smith, aged 15 years, daughter of Mrs. O. G. Smith, Salem, Oreg., died August 14, 1914, from the effects of an anesthetic given for operation for tonsillitis. Thousands of such deaths have occurred in this country. The few I have mentioned have been gathered from the local newspapers and reported at the time of their occurrence.

The custom of splitting fees for performing operations has become a common source of revenue for family physicians. This will explain to some extent the enormous number of operations that are being performed. It pays. This scandal was lately exposed by the Chicago News. The following article from the Kansas City Star, reproduced in the Humboldt Union, quoting from a paper read by Dr. Child before the Jackson County Medical Society, will explain the situation:

TOO FREE WITH THE KNIFE—GRAFT AMONG PHYSICIANS SAID TO CAUSE MANY DEATHS.

Fee splitting between family doctors and surgeons who perform operations has been taken up by the Jackson County Medical Society. It has been openly charged in a meeting of the society that "Commercialism, with its parasites, speculation and graft, has a strong hold in the medical profession in Kansas City." Those were the words of Dr. Scott P. Child, chairman of the board of censors of the society, at its last meeting.

It is charged that so universal has become the practice of fee splitting between the physician who gets a case and the surgeon who per-



forms the operation, not only in Kansas City, but throughout Missouri and Kansas, that many physicians get their principal income from their half of the surgeon's fee, and that patients who are in need of operations are hawked around by the family doctors among different surgeons to see which one will give the biggest per cent of his fee to the physician.

But more startling than all is the charge that the family physicians, being enriched by their share of big surgical fees, are straining a point and urge operations where no operation is necessary, and that many have died from this manhandling of patients for big fees.

In the paper which he read before the Jackson County Medical Society Dr. Child made the following statement:

"That such fee splitting is a fact is common history the country over, most flagrantly practiced in our neighboring State of Kansas, and, to our regret, the custom prevails among the profession in this city. To the uninformed, to the doubters, or to those who may believe that proof is wanting, or who, as guilty, may demand evidence to prove their guilt, permit me to say that plenty of proof is in hand and more proof is within easy reach if our society acts upon it as it should."

In his paper Dr. Child made the following specific charges:

"During the last month a physician, a graduate of one of our local medical schools, stated that he had referred operative cases from his town, about 100 miles from Kansas City, to a surgeon and former teacher of his, and that after the operation the surgeon had mailed him a check.

"Recently, on request of the chairman of the board of censors of this society, a member of this society confessed that he had mailed several letters to members of the profession in general practice in which he stated that he was now practicing surgery and was prepared to attend to any work they might refer to him, and concluded by saying: 'The business consideration will be satisfactory.'

"A local physician only recently committed himself in speaking of the number of surgical cases he was referring to a surgeon in this city, of the fees charged, and the fact that he, the physician, received one-half of the money paid by the patients.

"A member of this society, upon graduating a few years ago, and having eye cases to refer to an ophthalmologist, went to a local man of practice and ability and solicited a fee on cases he might refer for special eye treatment. The oculist very honorably refused to buy cases or to pay percentages; and the physician has not referred any cases to him since. Within the past two weeks this same physician referred a special case of another type to a certain specialist in this city and again demanded a division of the fee.

"A very busy surgeon of this society went into a country town to perform an operation upon a boy for appendicitis. The boy was the only child of a family of moderate circumstances. The family physician in the case mailed a check for \$500 to the surgeon through a local bank. The surgeon immediately remitted a draft for \$200 directly to the family physician. I could give many other instances."

I also call attention to the following item in the Chicago News of January 11, 1911, cabled from Paris, showing that this despicable practice is widespread:

"The scandals of commercialized medicine exposed by the Chicago Daily News," said Dr. Doyen, one of the world's most noted surgeons, "exist not only in America but throughout the world, and are most disgraceful where civilization is supposed to be the highest."

In an interview to-day Dr. Doyen described to the correspondent of the Daily News his experiences and suggested what he believes to be the only remedy. Dr. Doyen was found in a Paris hospital, where he had just completed an operation. He was still wearing his white coat and apron and rubber gloves when the correspondent told him of the articles in the Daily News.

#### HE PRAISES PUBLICITY WORK.

"That is the best work done by a newspaper in the last decade," he said heartily. "Certainly the horrible situation described exists in France, Germany, and England. It is everywhere, and publicity given it by newspapers is the best remedy. I hope that publications throughout the world will take up the work begun by the Daily News. While undoubtedly there are many honest physicians, civilization to-day is plagued by hordes of men who are worse than the charlatans of the Middle Ages. The evils existing in the days of Molière still flourish. Read the *Malade Imaginaire* and other plays of Molière and you will find everything, including the doctor who impresses the patient by spouting a string of almost meaningless Latin medical terms."

"What are some of the instances of quackery that you have observed?"

SAYS MURDER IS DAILY EVENT.

"Fee splitting is the commonest. Operations by incompetent surgeons are being performed continually and actual murder is committed in this way almost daily. Other physicians form a ring to exploit a patient, passing him from one to the other, saying, 'Go to Dr. Jones for the eyes, to Dr. Brown for the ears, and to Dr. Smith for the stomach,' etc. One of the commonest witticisms of doctors is: 'A millionaire always has a little piece of cartilage in his nose which can be removed for a large sum of money.' Only last week I overheard one surgeon ask another, 'Why did you operate on So-and-so for cataract before it was ripe?' 'If I had done otherwise, my patient would have gone to another doctor,' was the reply.

"The truth is that medical science has advanced with such rapidity recently that not a few physicians are lost. Intelligent laymen understand modern medical discoveries as well as many professional men, and often better. There is no excuse for a doctor's not explaining a patient's condition in simple language if he knows what the matter is and can explain so the patient can understand. When a doctor does not know he always spouts Latin.

HAS TO KICK OUT LEECHES.

"Physicians telephone to me daily, saying that they have patients requiring operations and asking what commission I will give. When I ask leave to examine the patients they decline to allow it before I have fixed my commission. Sometimes I have to kick such leeches to the door. I also know of several cases of alleged operations in laparotomy when the surgeon merely cut the skin and resewed it.

"Other charlatans, when they hear the name of a man who is about to undergo an operation, search for the name of the surgeon in the case, and sometimes they come three or four at a time demanding commissions, pretending that they are the family physicians of the patient."

"Is it possible for an ordinary physician in Paris to live without such practices?"

"Assuredly, if he is honest."

CHARGE ACCORDING TO WEALTH.

"Do you believe that a doctor should charge in proportion to the wealth of the patient?"

"Yes; because all physicians make no charge to the poor. Also, I believe that a family physician should have a commission when he is forced to advise a patient to go to a specialist. However, instead of the specialist giving the commission secretly, the patient should pay each openly."

"How do you determine the financial status of a patient?"

"The fee should always be discussed and decided before the treatment is begun. People should learn to buy a doctor's services just as they buy clothing."

"Do you believe that such a business arrangement would tend to eliminate the evils mentioned?"

"The evils are due largely to the stupidity of the public, which does not take pains to discriminate between good and bad doctors. The daily press, through leading medical men, should educate the people to use the same common sense regarding the treatment of illness that they use in business."

The following statement of B. F. Goldman, of his experience with the operating doctors, as given in the Boise (Idaho) Capital News of February 23, 1913, is interesting in this connection:

"Several years ago," said Mr. Goldman, "I came to Boise with a swelling in my throat, and, becoming anxious as to what it was, I visited a half dozen of the most prominent physicians and surgeons of the city. Without exception these experts all informed me that I was suffering from goiter and advised me that an immediate operation was necessary. Naturally I did not relish the idea of being cut any more than the average citizen, so I hesitated. I even visited a Chinese doctor, who, to his credit, was the only one among the number visited who advised me against an operation.

"Believing that if I was suffering from such a serious ailment, and must be operated upon, I felt loath to intrust my life to the hands of any but the best surgeons I could find. Accordingly I visited Dr. Housner, of Salt Lake City; Dr. Hamilton, of Topeka, Kans., and others. Without exception the doctors whom I visited outside of

Idaho informed me than an operation was not necessary, laughed at my fears, and told me to 'go home and forget it.'

#### CURE WITHOUT OPERATION.

"With fear and trembling I took their advice, because the idea of being operated upon was repugnant to me. To-day I have no trace of a goiter or any other swelling visible on my throat, and have not been treated in any way for the ailment.

"A number of weeks ago I was lifting a huge boulder in the mine and suffered a hernia. The local doctor told me that an operation would be necessary, and I hastened to Boise. Here I was told by several physicians and surgeons of high standing that I was suffering from an irreducible hernia and that an immediate operation, costing some hundreds of dollars, would be necessary. I was likewise advised to eat nothing, as eating food, I was told, would kill me. Again I visited a number of physicians and surgeons and finally heard of one who had prevented an operation upon a prominent citizen.

"As a last despairing hope I visited him. After an examination he told me that he would show me in five minutes that my hernia was 'reducible.' In a few moments this physician, with his bare hands, reduced the hernia and to-day I am as sound as ever I was, and that without the use of the scalpel.

"If I had been operated upon I would more than likely be in my grave by this time, or at least would have been injured for life. The instances I have cited are merely my own experiences. I know of many more similar cases and of others in which it is very apparent that surgeons have either operated upon sound persons through ignorance or else for the monetary consideration.

"The only protection for an abused public is legislation which will make the surgeons and physicians legally as well as morally responsible for errors in diagnosis, as well as in deliberate cases where the knife is resorted to in order to collect the big fees usually charged in such cases."

The following comments of Dr. George R. Cruickshank on the work of his profession are interesting and encouraging. They are taken from the *Detroit Times*, of November 23, 1910:

Dr. George R. Cruickshank, of Windsor, member of the Ontario Medical Council for the counties of Essex, Kent, and Lambton, and one of the leading members of the medical profession in the Dominion, is the author of the foregoing statements. He made them to the *Times* in his office in Windsor Wednesday morning while commenting on the book *Medical Chaos and Crime*, recently written by Dr. Norman Barnesby, of Chicago. A review of Dr. Barnesby's book appeared last week in the *Times*, and caused no end of comment among the doctors of the city and vicinity. Dr. Barnesby, among other things, charges that ignorance, commercialism, and criminal indifference on the part of many doctors are responsible for much human suffering, and that many young physicians obtain experience at the cost of patients' lives.

"I have seen a number of reports on Dr. Barnesby's book," said Dr. Cruickshank, "and I have come to the conclusion that it is really my book. Dr. Barnesby has said just what I planned to say myself when I got the time to write it. But Dr. Barnesby has got ahead of me in regard to having his views placed in book form. For years I have been voicing the sentiments expressed in Dr. Barnesby's book. I have made known my views in papers before medical societies, and taken advantage of every other opportunity to let the medical profession and public know just how I feel about operations. Certain doctors in Detroit and elsewhere have been performing unnecessary operations for years. Abdominal operations have been performed on men and women for no just cause at all. For these operations the patients have paid fabulous sums. Then you may ask, 'Is there graft in medicine?' I am afraid so, and the grafting is made easy by the high standing of the profession. But the worst offenders are not the young doctors; the leaders of the profession are guilty. Thousands of operations are performed which were better left undone. Perhaps the grafters were enthusiasts, not thieves. If that be not the case, then the offending doctors are worse than the man who robs you with a dark lantern and a 'billy.'

"Young doctors operate better than the older ones, but they don't know when to do so. When a man is sick the great question should be, 'What should be done?' The patient should be glad to give his automobile for the answer. He gives too little for advice and too much for the operation. When a man knows he should give \$100 for advice before he gives \$10 for an operation he will avoid some graft. Meanwhile the grand old profession is at heart self-sacrificing and noble.



"I have seen hundreds of operations which were not necessary, and I will venture to say that no Detroit physician will deny that thousands of operations performed in Detroit are unnecessary."

Dr. Cruickshank deplores the surgical excesses to which the profession has gone in regard to appendicitis, for one thing. In addition to declaring that 75 per cent of the operations for the disease are not necessary, the doctor proudly points to the fact that no patient of his is ever unnecessarily operated on for the ailment. He believes in medical treatment for the cure of the disease.

"No patient suffering from appendicitis should be operated on until it is seen that an operation is absolutely necessary," said the doctor. "Most cases can be cured by proper diet and the administration of medicines and hot or cold applications to the affected portion of the body. Not one of my patients is among those operated on in Detroit, I am glad to say. The appendix is in the body for a purpose, and is not a useless appendage, as claimed by some operators."

Speaking on the practice of removing tonsils, Dr. Cruickshank said: "The fad just now is to remove tonsils. They should not be removed at all. Tonsils are necessary in the throat, otherwise they would not be there. They stand in the throat like two sentinels, ready to take care of any germs which may gather there.

"Some doctors remove them because they get enlarged, but I don't think that is any reasonable excuse. If they become enlarged, it must be for some purpose, probably so they can take care of more than an ordinary amount of germs in the throat. I would remove a tonsil only in case of its being diseased.

"But, happily, customs are changing. While operative excesses are the rule just now, 10 years from now the operators of to-day will be looked on as barbarians. There will be but little unnecessary operating in the future."

But, unfortunately, the criticisms and advice of such members of the profession as Dr. Cruickshank have been of little, if any, avail. The dangerous and life-destroying operations in great and unnecessary numbers still go on. Some time reason and justice may overcome cupidity and greed as the result of wise counsels such as these.

### Efficacy of Christian Science Healing.

Mr. President, I can not speak with authority or from actual knowledge of the healing influences of the various schools of medicine and other means of healing except Christian Science. I have had personal experience in abundance with the so-called regular school of medical practitioners and with homeopathic physicians and a limited experience with osteopathy, none of which were satisfactory. I know nothing of the others except from hearsay. I have no doubt all of them have done much good and some have done less harm than others. The schools of medicine, called irregulars by the allopathic school, have each been compelled to fight their way against the regular school. They came into existence as a protest against the inefficiency of the regulars. The old-school doctors, with their powerful political organizations, have persecuted them with a shocking degree of bigotry and intolerance. They have persecuted them through unjust restrictive laws procured by them from altogether too trusting legislative bodies, but in spite of this persecution these new schools of medicine have been established with more or less success and have gained a greater or less degree of public confidence and favor. All of them have their followers who believe them to be the best means of healing their diseases and ameliorating their sufferings, and the stronger their faith in them, the more benefit they derive from their ministrations, but much of this faith and confidence has been misplaced, and as a result many lives have been needlessly sacrificed, many people have un-

necessarily been made suffering invalids for life, and many more have been made the hopeless victims of degrading and degenerate habits, caused by the dispensation of habit-forming drugs, that are worse than death. So it is a grave question whether medical practitioners have not done the human race more harm than good. My own experience and observation leads me to believe they have. But some other people do not agree with me. They believe in the different schools of medicine, some in one and some in another. So long as they believe in these remedies they should be protected in their right to resort to them for relief. Naturally practitioners of the various schools of medicine each believe that his school and his medicines are the best and most efficacious of all. But it is a well-known and now an almost uniform belief that there are no healing qualities in drugs. Some of them deaden and destroy the feeling of pain and suffering and give temporary relief, but they do not heal disease. Their effect is temporary and fleeting. As they lose their power over consciousness or feeling the pain and suffering return often with redoubled fury. The anæsthetic destroys consciousness and feeling while the surgeon wields the knife. This is a blessing if the operation is necessary, but it has resulted in many unnecessary operations with deadly consequences.

Mr. President, there is one remedy about which I can speak with confidence and certainty from my own personal experience, confirmed by like experiences that have come under my own observation. I was healed in Christian Science when death was near and after all hope of relief through medical practitioners had been abandoned after long and faithful trial of such remedies. I have seen and known of other cases of healing, many of them of organic and so-called incurable diseases, and after medical practitioners had given up the patient as hopelessly incurable. I am going to call some of these cases of healing to the attention of the Senate, not to advertise Christian Science or to induce anyone to accept or resort to it for relief. Its adherents do not proselyte or advertise it or persuade anyone to accept it. My sole purpose now is to show the cruel injustice and folly of legislating against it in favor of any other means of healing. If it saves lives and ameliorates and mitigates sorrow and suffering and regenerates humanity morally and physically where no other relief is to be had, as I shall show it does, it is not only cruel, it is criminal, to forbid or hinder those from doing so who administer its benefits or who resort to it for relief. I would not have anyone infer from the showing I am about to make that it is, as it is now administered, an infallible remedy and always heals. It does fail to heal sometimes, altogether too often, as all remedies must of necessity do when administered through human imperfect instruments. Some of its patients are disappointed and return to the doctors. They have so long been accustomed to be thumped and pounded and dosed and carved that the quiet and silent Christian Science treatment is too tame for them. They think nothing adequate is being done. Doctors often boast of this return to them of those who have taken up Christian Science as convincing proof that the treatment of disease in that way is a failure. But the fact that thousands of patients have left them for Christian Science never to return, or the fact



that those who do return get no relief and are doubly disappointed, makes no impression on their minds, but leaves them strong in the faith that nothing but their method is scientific, regular, or effective. But I am prepared to show that while it fails in individual cases, for reasons that can not always be known or understood, it has healed thousands of cases that under materia-medica treatment would have been incurable. I think I can say with perfect truth that there is no disease not subject to its healing influence, including all of the diseases that are given up by the medical fraternity to be incurable. I am going to give you a few of these cases, many of them coming under my own personal knowledge and observation, the others known to me, through those who have furnished them to me at my request to use as I am now about to use them, to be undoubtedly true and reliable accounts of cases of healing thoroughly authenticated. To mislead anyone by false or unfounded claims in a matter so grave and so important would be cruel and inhuman.

If I have myself been misled as to any of them, I should never cease to regret it. I have for these reasons taken the greatest care in procuring the statements I am about to submit for the candid consideration of the Senate. I shall take the liberty as I go along to state the source of my information and the character and standing of the persons from whom I have received it. None of it has been volunteered. In every instance it has been furnished at my request, with an understanding of the use I intended to make of it. I have called for information from those only upon whose word I felt I could implicitly rely.

Mr. President, I first call attention to a case that came under my own observation, and of which I had personal knowledge. I have mentioned the case in calling attention to the uncertainties and perils of surgery. With as little repetition as possible, I review the facts here. The case is that of a young child 3 or 4 years old, the only daughter of a prominent young business man of Los Angeles, Cal. When I first saw her, she was a beautiful child, with the exception I am about to state. One of her eyes was diseased from infancy; it was believed from birth. The eye and the surrounding parts were badly inflamed, and the eye protruded and seemed almost ready to escape from the socket. This condition gave the side of the face a distorted and distressing appearance. Looked at from one side, the child had beautiful and regularly formed features. From the other side her appearance was repulsive. She was first attended by the family physician, a very worthy and competent member of the profession, whom I know personally. He was unable to give relief. A consultation of specialists in diseases of the kind was called. They concluded that there was a malignant growth, presumably cancerous, behind the eye, and that an operation was necessary to save the child's life. They informed the parents that the operation was so delicate that no one in Los Angeles would undertake it, and advised that the child be taken to the celebrated surgeons, Mayo brothers. The parents had the wisdom in this dreadful emergency to apply to Christian Science for help. I saw the little one at this time and on frequent occasions afterwards. The alarming conditions subsided gradually under the treatment by the

Christian Science practitioner and in a few months the child was entirely healed of the trouble. This was five or six years ago, and now the eye is perfectly well and that side of the face is as beautiful as the other.

I submit now for the consideration of the Senate a statement by himself of the healing of Dr. E. F. Burton, now a resident of New York City, but formerly of Los Angeles and Pasadena, Cal. His statement of his experience, in the form of a letter, was furnished at my special request for the use I am now making of it. I have known Dr. Burton since very soon after his marvelous healing. He is a man of superior intelligence and of integrity and high character.

The following is his letter, which states his experience as a physician and surgeon before his healing and his work since that time:

30 EAST FORTY-SECOND STREET,  
New York, N. Y., August 21, 1914.

MY DEAR SENATOR: Replying to your letter of the 10th instant, in which you ask as to my healing and experience through and with Christian Science, I am glad to tell you of the following history.

I am an alumnus of Rush Medical College, Chicago. After graduation I received an appointment, through competitive examination, as interne in Cook County Hospital, of Chicago, one of the largest hospitals in the country, and served an internship of 18 months, after which I was appointed on the surgical staff of the same hospital, and at the same time an instructor in Rush Medical College. I held these positions until forced by ill health to leave the North. In Arizona I was afterwards appointed acting assistant surgeon of the United States Marine Hospital Service for Arizona. I was a member of the American Medical Association until I left medical for Christian Science work.

About 12 years ago I was advised by Drs. Frank Billings and John B. Murphy, whose names are widely known, that I must go to Arizona if I would take my one chance for life, as I would soon die with consumption otherwise. For a year prior to this time I had been taking a preparation of opium, which was then considered to be nonhabit forming, to subdue the symptoms of consumption. When I went to Arizona I tried to stop the drug, but found that I had a well-founded opium habit, and that when I attempted to break it, which I did several times, the lung trouble became too serious to be borne. Thus the habit increased, as it always does. I had been a moderate drinker, but became less moderate in the use of alcohol, and also soon began to use cocaine to alleviate both the effects of the morphine and for throat symptoms. To make a long and miserable story as short as possible, these three things—alcohol, morphine, and cocaine—became my food and drink.

After some time in Arizona I went to southern California—to Pasadena. Here I sought the aid of a hypnotist to enable me to free myself from these habits, but found this method ineffectual. After this experience the quantities of the three things that I was taking was enormously increased, until toward the end I was taking such quantities of morphine and cocaine as no one has ever recovered from, so far as I know. For weeks I took on an average of more than 100 grains each of these two drugs daily hypodermically, and consumed between 1 and 2 quarts of whisky daily. I became entirely demented and a menace to those about me.

At this point, and when I had been entirely unconscious for 48 hours, my wife was obliged to call for a consultation of physicians, and five of my fellow physicians, four of whom had been seeing me for some time, told her that I could not live more than three or four weeks, and that this time must be spent under the strictest restraint. It was arranged that I should be sent to the State asylum the following day if possible. At the request of a friend whose husband had been benefited by Christian Science, Mrs. Burton was induced to allow a Christian Science practitioner to call to see me. Again to make a long story short, he came and spent three hours with me. I have no memory of his coming or of his going, but he left me asleep, and I woke on the following morning free from all of these habits, normal in brain and nerve, hungry, energetic, clear-headed, and happy. I knew the moment that I awoke that something had happened to me, and that, whatever had done it, I was free from the awful things that had bound me. But I did not know what it was that had done it until I was told.

That was nine years ago the 20th of April of this year. From that moment I have never felt the slightest appetite for any opiate, cocaine, or alcohol in any form, have never felt any symptom of lung trouble, and have been mentally sound and clear. Nor was there a moment of convalescence. My bowel condition was normal, whereas these organs are in such dreadful conditions even where a moderate quantity of opium has been habitually taken that there are weeks of keenest suffering attendant upon withdrawal of the drug. My nerves were steady and quiet. I read quietly and with understanding, for the greater part of the morning, a book which took a great deal of mental concentration to understand, the like of which I had not been able to do for months. I drove my automobile half the afternoon, also a thing I had not been able to do for some time. I gained 30 pounds in weight the subsequent month, and within 10 days from this memorable morning I undertook and carried to a successful issue the most strenuous piece of work, from both mental and physical standpoints, that I have ever done. A year from the day of this healing I was asked to assist in the surgical work in the Emergency Hospital at San Francisco following the earthquake and fire of 1906, and for three weeks I stood on my feet and operated for about 16 hours a day. This was my last surgery, and coming after a year of study of Christian Science, decided me as to my future course.

I have spent over nine years in constant study of Christian Science and seven years in its practice. I was most enthusiastic in the practice of surgery and was a Pharisee of the Pharisees as to its virtues. I gave it up only after being most thoroughly convinced that there was something better. I have learned to my entire satisfaction, knowing both sides of the question, that Christian Science is a science, and not only that, but also that it is an advance step—and a long one—beyond medicine and surgery, and that time will prove this to the whole world. I have seen many cases of disease healed by it after they had been pronounced hopeless and dying by the best physicians. I have seen disease healed through it in a few minutes where it would have run days or weeks, according to medical prognosis. And although it is not the practice of Christian Science practitioners to attempt the healing of broken bones without the aid of surgery, I have seen dislocated joint and broken bone healed within a few days without the use of splint or bandage. This only promises what will be done in the future.

As to contagious diseases, my experience teaches me that Christian Science practitioners and other Christian Scientists are more scrupulously careful to shield others from danger of contagion and in obedience to the law than are physicians. This I say without equivocation or qualification.

Most sincerely yours,

E. F. BURTON.

Mr. President, what must a man who has passed through such an experience think of laws, which actually exist in some of the States, making the man who rendered him this great service a criminal, subject to fine and imprisonment for saving his life and restoring him to a healthy body and a sound mind? What must he think of the members of his own profession who on that fateful night, with him lying there unconscious, gave up his case as hopeless and consigned him to an asylum as hopelessly insane and sentenced him to an early death, and who would consign the man who took their place and saved both the life and the reason of one of their profession to prison for presuming to save the man whose case they had given up as past all help by a means of healing that they denounce as irregular and unscientific?

Mr. President, this must not be taken as an unusual or extraordinary case of healing in Christian Science. Relief came quickly in this case. So it has in many other cases. But in most cases it comes more slowly. I could cite the Senate to hundreds of cases of healing by this means just as remarkable, some even more remarkable than this one, thoroughly authenticated and beyond dispute. If I had asked publicly for such and like experiences, I could furnish you authentic proof of thousands of cases of healing of diseases pronounced by medical doctors to be incurable. But I could not take up the time of



the Senate in reciting any great number of cases however important I regard this question. I have asked for and will submit only a few of them.

Here is another of a like kind that should challenge the attention of lawmakers, social workers, and humanitarians the world over:

2111 WEST THIRTY-FIRST STREET,  
Los Angeles, Cal., August 27, 1914.

DEAR MR. WORKS: So great a change has been brought about in my life by Christian Science that I am most desirous and anxious that others may know of the experience and profit by it if they wish.

I was born in Hastings, Mich., in 1865; attended the local schools until 1880, when I entered Olivet College. I hold the degree of Bachelor of Arts from that institution, of which I am at the present time a trustee. I was admitted to practice law in 1889, and later went to Saginaw where I associated myself with the Hon. Ferdinand Brucker, then judge of probate and afterward Member of Congress from the eighth congressional district, now represented by the Hon. JOSEPH W. FORDNEY. I had youth, health, education, friends; I belonged to the leading fraternal organizations and was on the highway to success, but I was said to have been born with a hereditary taint in my blood, the appetite for intoxicating liquor, and as my law practice grew larger my appetite for drink grew stronger. Friends warned me, but I laughed at their fears, and told them that drinking would never overpower me; that I could take it or leave it, just as I wanted to do. By sheer force of will I held the appetite in check for a while, but little by little it crawled upon me until it held me within its grasp. Friends advised, relatives reasoned, and my dear mother begged me to take Christian Science treatments and free myself from the bondage; but I laughed at her and told her that while Christian Science might do for nervous old ladies, it would hardly answer for a strong, rugged man like myself. I struggled a little longer, and then my associate, Mr. Brucker, advised me to take the gold cure. I did so, but its effect was only temporary. Then I did everything I could.

Friends, relatives, physicians, and fraternal brothers did all they could, but it was too late for any human help. I lost everything—law practice, money, home, friends, mother—all. I was lost. I went away. My relatives did not know where I was for years. They had given me up as lost. I was a helpless slave to liquor, a hopeless wanderer on the face of the earth, a nameless derelict on the ocean of failure. In addition to the appetite for drink, I was suffering from kidney and liver troubles and was merely waiting for death to come and end me of my misery. It was in January, 1901, that I left Saginaw. I wandered away West, doing anything I could find to do to make a living, working with my hands at any work that offered. I had given up completely. One day in October, 1907, up in the foothills of the Sierras, I met a courageous woman who told me that I could be healed in Christian Science. She gave me some of the literature and loaned me the textbook of Science, but I believed I was too far gone to be saved and wandered on. After a few more months of suffering and misery I found myself in direst extremity. I was hopeless, friendless, and alone. As I stood there watching the sun rise over the Sierras the thought came to me, as it did to another prodigal long ago, "I will arise and go to my Father." I had kept the page of a Christian Science Journal with the address of a Los Angeles attorney who had been saved from the very bondage that then held me. I determined to go to this man, tell him my story, ask his aid, give Christian Science a fair trial; and if that failed, I would then end it all. I started for Los Angeles immediately. I was at Monterey at the time. I had no money, but I lost no time. I rode on freight trains, engines, blind baggage cars, farmers' wagons, and walked when I had to—anyway to get there—but I kept on and on. One day I arrived in Los Angeles and found the man I was looking for. \* \* \* He listened to my story, took me to his heart in kindness, introduced me to a Christian Science practitioner, and—that is all. I awoke from my nightmare and found I was not a drunkard at all. This was in March, 1908. From that day to this I have never had the slightest desire to drink intoxicating liquor. The kidney and liver trouble went with the appetite for drink. I also lost a smoking habit of 25 years' standing. I was later healed in less than a day of an acute attack of diphtheria. I was healed in 1910 of a chronic condition of sciatic rheumatism, to cure which I had spent many hundreds of dollars in materia medica without any cure being effected. I have had many other healings I need not mention, but I am not ill any more as I used to be. In these years I have known Christian Science I have learned to live a clean and a pure life. I now have a

wife and home and a dear little baby 17 months old. I am learning to be more patient, more kind, more considerate of others in my daily life. Hatred and anger and criticism and resentment are being driven out of my life, and in their place is being established love and kindness and good will to all mankind. Years ago I agreed with Burns that "Man was made to mourn"; but now I know that there is no condition of disease, misery, or sin so bad that it can not be wiped out forever by the power of Truth. I have learned that it is normal for man to be happy, peaceful, and prosperous, and I am happier to-day as I am writing this letter than I have ever been in all my life. Every statement in this testimony is capable of legal proof. I will furnish full list of names, dates, and other information to any that may desire further information.

Cordially yours,

FREDERICK ALLEN.

Like Dr. Burton, I did not know Mr. Allen until after his healing. His letter shows what he was before he contracted the fearful habit of drink and the depths of poverty and degradation to which he was reduced. He is now fully restored to himself, is engaged in successful literary work in Los Angeles, has a happy home and family, and is, as he says, happier and better contented than he has ever been in all his life. His condition when he applied for Christian Science help has been graphically described to me by the friend upon whom he first called on coming to Los Angeles. He was unshorn and unkempt; his clothing was soiled and worn; in stealing his way on the train he had lost his hat and was wearing an old discarded cap that some one had thrown away. In short, when he stepped into the office, seeking information that might free him from the habit that had so nearly destroyed his life and wrecked his future prospects, he was a veritable tramp. He had no money and no prospects. This was the only hope left to him, and he had sought it eagerly as his last chance. He was taken to a practitioner, who ministered to him without present reward or hope thereof except the inestimable consolation of serving such a human derelict and making of him a free man and useful citizen. He was healed as he says. I know well and intimately the practitioner who rendered this man this great service. I have spent weeks in her home. She was in her earlier womanhood a trained nurse and knew the ways and the practices of the physician and surgeon by actual hospital service. Later her husband was healed by the same means that this man was restored. As a result she became a Christian Science practitioner. She has saved many unfortunates afflicted as this man was and healed many of diseases of almost every kind. Her husband holds a high and important public office. She has a home of culture and refinement, but she finds her greatest and highest enjoyment in her work. She devotes her days and nights to this beneficent service and is subject to call at all hours. She was, amongst many others, called to minister to a woman whom the doctors had determined to be afflicted with an abdominal tumor. An operation was decided to be immediately necessary. The woman had heard something of Christian Science. Her husband had been healed of a broken-down instep. In her great fear of the operation she called for this practitioner's help. She did not go to the operating table. Under treatment, the tumor came away in pieces and the woman was healed.

Let me call the attention of the Senate to one more case of healing of the many performed by this one practitioner, as she has given it to me in a written statement:

A woman of about 45 was taken to a hospital and operated on for cancer of the breast and tissues of the side. Some two weeks after the



operation the patient, feeling that her condition was not satisfactory, as she was suffering and being kept constantly under heavy doses of morphine, asked to have a Christian Science practitioner attend her.

During the second visit made by the practitioner the attending surgeon arrived to dress the wound. He asked the practitioner to look at the wound, and then he pointed out some places upon it where the tissue was breaking down and in a bad condition. Asking the practitioner to go into another room where the patient might not hear what he had to say, he assured the practitioner that he was very glad to have the help of Christian Science, as he believed the religion would be a great help in making her happy in the last few months of her life. He further explained that he and some well-known surgeons had operated on the case two weeks previous to this time; that they had found it one of the worst and most malignant cases of cancer they had ever seen; that the woman's system was full of it; that the tissues had already begun to break down again with the disease; that there was no possible way in which her life could be saved; and that there was nothing to be done but to keep her under heavy doses of morphine until such time as she would die, which he insisted would probably be six months, though there was a slight possibility of her life being prolonged to a year, but under no conditions could she get well. In less than a week after treatment in Christian Science the doctor reported great improvement in the wound. In two weeks the patient was taken from the hospital, driving in an open automobile. After a few days at home and away from the hospital care she refused to take any more morphine, the wound healed completely, and since that time, which is two years or more, she is a perfectly well woman.

Mr. President, the best and most competent physicians declare that the only remedy for deep-seated cancer is the surgeon's knife. They are perfectly sincere in this declaration, because they know of no better remedy. They know and freely acknowledge that this remedy is effective only when the diseased parts are completely removed, which in many cases is impossible to the most skillful surgeon. That many lives have been saved in cancer cases by the knife no intelligent man would presume to deny. But here was a case where the surgeon was helpless to save. He was honest and sincere enough to say so. He was not envious of Christian Science interference, as many doctors are, but like most of them he believed that it could do no more than afford religious consolation until death came within a very brief space.

Mr. President, I have spoken specifically about the work of this one practitioner not because her work is more successful or her devotion to it greater than that of hundreds of others who are rendering like service, but only because I was more familiar with her life and her work.

I submit also the very interesting and remarkable case of healing of Mrs. Elizabeth Downey, wife of Harry S. Downey, of Shelbyville, Ind. Mrs. Downey is a woman of superior education, intelligence, and refinement. Her husband is a prominent lawyer in Shelbyville. His father was a judge in that State for more than a quarter of a century—six years of which was as judge of the supreme court of the State. His last service was as judge of the circuit court, his term of office terminating when he was 80 years of age. One of his sons followed in his footsteps and was for a number of years judge of the same circuit court, a position which he resigned to accept an important office here in Washington, which office he now holds.

I have known the family well and intimately all my life and can assure the Senate of the reliability and truthfulness of Mrs. Downey's statement.

She says:

SHELBYVILLE, IND., December 11, 1914.

When a child of 11 years, in piercing the ears, the lobe of the right ear was injured, the wound refused to heal and remained in an irritated condition until we were obliged to remove the earrings. A small growth about the size of a pea made its appearance on the lobe of the ear, but was removed without serious trouble for the surgeon and little discomfort to myself.

Two years later I again had the ears pierced; the same trouble followed, attended with severe stabbing pains, and the ear became angry in inflammation, which was subdued, but the growth grew to be as large as a medium-sized hickory nut, and the pains increased, when it was again removed. Then the physicians pronounced it a recurrent fibrous tumor.

After six or seven such operations, at intervals from 18 months to 2 years, each time the size increasing, the entire lobe of the ear was deformed and fibers extended down and the pain was almost unbearable at times.

Next a burning process was resorted to, medicines given, and applications used locally, but it was only adding fuel to the flames. After 14 applications of this burning process, in which I suffered tortures only to be compared to the fiery furnace, the tumor was lifted out and was about the size of a hen's egg. The entire lower part of the ear was gone and a surface of diseased tissue extended about 4½ inches down the neck, making it necessary to close the wound by skin grafting, using 9 silver pins and 14 stitches, which was a beautiful piece of surgical work. I was in the hospital nearly three months.

Nine months later trouble commenced again, and I had another experience, though slight in comparison to the others.

Two years later the growth appeared again, when it was operated upon with the knife, but almost at once began spreading its fibers over the face, the pain growing, spasmodically, more and more severe. When the growth below the ear had increased again to the size of a walnut and was purple in color I began to think that death would be preferable to such suffering. Again the burning process was used, chloride of calcium, followed by a powder and poulticing was kept up with suffering untold for six months, when it appeared to be healed. Many kinds of medical springs and drugs were used in an effort to subdue the trouble which was on the increase on the cheek, but finally I was compelled to again go to the operating table. This time the surgeons laid the wound open to the bone and found that the fibers had grown and entwined themselves back of the eyeball, and to save deformity of the eye the skin was drawn up in a puff under the hair. The surgeons had again performed a most skillful and delicate operation, and I thought I was restored and had a chance to claim my birthright of freedom from pain, but the trouble came up again on the same side, in the throat, and grew more serious, if possible, than before. The surgeons then removed five growths in the throat and mouth. The irritation had become so severe, the throat so inflamed, and the tonsils so diseased that the surgeons thought best to remove the tonsils, which was done, and there were found two growths back of them, and in the process of removing them two severe hemorrhages followed, and the situation was most serious. After my seeming recovery and sojourn in Denver for five months, the physician's advice to me was to never again have any cutting done in the throat, and if he had known how much had been done he would not have operated; that I was now all right, but to avoid a repetition.

I came home in November, and in December I found, after a case of pneumonia, that the throat and lungs were in diseased conditions, two growths almost as large as peas, causing constant coughing, and the roof of the mouth was in a badly ulcerated condition, with my voice and entire body in an exhausted condition, and one lung very imperfect. For the first time in my many years of suffering I grew rebellious and discouraged, but finally yielded to the importunities of relatives and friends and consented to go South again, but I felt that it would be a fruitless trip. The physician and my family felt that it was my only hope to regain health in a warmer climate, if life was to be spared to prepare for another surgical operation, so we again turned our faces toward San Antonio, Tex.

After being there five weeks, instead of improving I grew worse, coughing and expectorating such poison that each day I would think I could not endure another. Then developed a case of acute kidney trouble, and, to add to the suffering, a pus formation appeared over the left lung. I then realized that the only material hope was in another surgical operation. By this time my courage had failed and I

felt that death would prove a friend rather than an enemy; but God's ways are higher than man's ways, so that, in my extremity and in my desire to live until my husband could reach me and to escape the operating table (selfish motives, I grant), at the earnest solicitation of friends who realized the situation better than I did, I turned to Christian Science. The saying that it is a dangerous thing to be ignorant of your own ignorance reflected my attitude at that time, for such was my condition. I thought I knew God, but I found that I did not know and understand His power, His willingness, and His might; but in that dark hour I was left alone with Him to guide and protect, and I found that His love did not fail me. All drugs were discarded and, not without some doubts, I turned to a Christian Science practitioner for help; nor was I disappointed. The kidney trouble was met in three days; breathing was improved so that I could lie down in bed; the coughing grew less day by day, and I have never had a hemorrhage since; the roof of the mouth healed, and the pus formation disappeared at the place where the surgeons had blistered to nerve exposure and drained off the pus. Four months later the tumors came off, one after the other, filled with fibers and pus, but with scarcely any flow of blood. From a weight of 110 pounds I have increased to 156.

The first Christian Science treatment was in January, 1905; almost 10 years ago. I have had little or no trouble in the old scars that formerly gave so much trouble in damp or hot weather or when overheated; indeed, all is fast fading from sight or consciousness except the deformity resulting from the cutting, but no longer are they red and angry looking, but are gradually fading away, and the past nine years have been most blessed ones. As I look back and recall the fact that six of these medical men who rendered me the most faithful service of which they were capable have passed on, I can not refrain from expressing my gratitude for their faithful, loyal services, but my heart overflows with gratitude to God for what this truth, Christian Science, has revealed to me, lifting me out of suffering untold, which one would scarcely believe unless witnessing and in the presence of which more than one brave heart has grown faint.

I could not do otherwise than to stand where I do, with absolute belief in the power of truth as learned from the Bible and Science and Health, with an honest effort daily to let my feeble light shine as a true Christian Scientist, for I have had all proof of its healing power and its spiritual uplift.

All of this is absolute truth.

ELIZABETH HARSHMAN DOWNEY  
(Mrs. HARRY S. DOWNEY).

Mr. President, many lives are sacrificed and others ruined by the habitual use of intoxicating liquors and deadly habit-forming drugs. For these unfortunates the medical doctor can afford no relief and the surgeon's knife is unavailing. It is here that Christian Science has shown its efficiency in a marked degree. It has saved hundreds of lives and made happy many desolated homes. I have already given one case of healing from the drink habit and another from morphine and cocaine. Here is another striking case of such healing:

AUGUST 29, 1914.

MY DEAR SENATOR WORKS: In response to your request it gives me pleasure to testify to the immeasurable benefits I have enjoyed as a result of the study and application of the teachings of Christian Science.

Since a child I had been accustomed to associating with those who indulged in liquor in a social way, and, quite naturally, was one with them. After reaching young manhood the habit grew, and it was not long before I often reached home in varying stages of intoxication. This continued with increasing frequency until it was the exception rather than the rule for me to leave my companions and go home before midnight or until I had become so helpless that I had to be cared for.

For many years during this time I held a responsible position with one of the largest financial institutions in the West. My employers realized somewhat the condition into which I had fallen, but through consideration for my family and appreciation of my clerical ability I was allowed to remain with them. Finally my appearance and habits had reached a stage where they were reflecting discredit upon



the institution for retaining me and I was asked to leave. Twice this request was made, and on each occasion I begged for another chance, but it only meant a chance to earn more money to spend for drink. I had forfeited nearly everything a man holds dear—home, friends, reputation, credit, and the confidence of my employers. I had not lost all, for a faithful, loving wife stood nobly by me through those dark days. In her desperation over our unhappy home she suffered a severe attack of nervous prostration. In this condition and after our family physician had done all he could and failed she turned to Christian Science and experienced such relief that it gave her renewed hope for me.

Each morning as I left the house it was with the firm determination to return home immediately at the close of the day's work, but this resolve was shattered as often as it was made. Will power in my case availed nothing. Matters went on from bad to worse. My life was a veritable hell. The future was a blank and my few sober moments were filled with remorse over my wasted life.

At this point, in response to the solicitation of my wife, I agreed to attend a Wednesday evening testimonial meeting. I was not only late in reaching the church but was far from sober. My wife and a friend were waiting for me, and this friend asked if I wanted to be helped out of the condition against which I had struggled so long. My response was in the affirmative, and while I promised to call on him the next day it was the following Sunday before I felt the desire to go to him and talk matters over. The three intervening days have always been more or less of a blank, for during that time I indulged in the wildest dissipation of the years I had drank. I questioned the propriety of this friend's receiving me on Sunday, but a kind invitation came for me to come to his home, where I was lovingly received, and, after talking with me gently and I asked for help, he gave me a treatment, and from that moment to this day I have not taken a drink of liquor nor have I had the slightest desire to do so.

Following the destruction of this false appetite, the tobacco habit left me, the use of profanity was eliminated, many physical ills have been met and conquered, and, in short, a complete mental, moral, and physical regeneration has taken place in my life.

Sincerely yours,

CHAS. E. JARVIS.

I know Mr. Jarvis well. He is a man of superior qualifications and ability, and in every way trustworthy and reliable. Like so many others who have benefited by its ministrations, he has become an earnest and effective worker in Christian Science.

I submit now a testimonial of healing of double curvature of the spine, uniformly agreed, I believe, by medical practitioners and surgeons, to be incurable, and other serious troubles. Mrs. Kleinberger is known to me to be a woman of high character and entirely worthy of belief. This healing is one well known about by many people in Los Angeles and is thoroughly authenticated. Knowing of it, I requested that the statement be furnished me for my use. She says:

In the year 1908 I took my first Christian Science treatment, the principal desire being that I receive relief from the disease commonly known as gallstones, stomach and intestinal troubles, and paralysis of the bowels. I was instantly helped and quickly healed of these diseases.

When I was 3 years old it was discovered that I had spinal trouble; as time went on many physicians agreed that I would continue all my life to suffer from double curvature of the spine. Because of this trouble I was inactive and a burden to myself and those about me.

While treating for the diseases mentioned above I noticed a great relief from the pain in the back, and gradually, with treatment and study, the spine grew straight and strong, allowing me to gain flesh and become a useful member of society.

Accompanying the physical change came an understanding of the true relationship of God and man, and as a result of this understanding a happier outlook upon life and a greater patience and love for mankind.

For this change in disposition I am indeed grateful.

GLADYS KLEINBERGER,

No. 2302 West Twenty-second Street, Los Angeles, Cal.

Mrs. R. L. Craig, whom I have known for a number of years, is a woman of unusual ability, education, and refinement. Her husband died leaving a wholesale grocery business to be cared

for by some one. She took charge of and has managed it for several years, and made it one of the largest, best-managed, and prosperous wholesale establishments in Los Angeles. Besides, she is a public-spirited woman and takes a deep and intelligent interest in public affairs. She is now a member of the board of education of the city. She was healed in Christian Science of tumor that threatened her life, and asthma, from which dreadful disease she had suffered from her childhood. At my request she has furnished me a statement of her experience. She says:

From early childhood I suffered greatly from asthma, with all its attendant complications, such as bronchitis, pleurisy, pneumonia, tonsillitis, and quinsy. At one time, when in a very congested condition, a reputable physician pronounced my case tubercular, and strongly advised an immediate change to a warmer climate. My parents were broken hearted at this decision, and were seized with fear for my future. I was not allowed to go out at night, and was dressed in flannels from head to foot, constantly in dread of taking cold, to which I was most susceptible.

I was told by a number of physicians that there was no cure for asthma, and that I would be obliged to endure it. I was so resigned to this verdict that I did not at first accept Christian Science for asthmatic trouble, but for another affection, which developed about 12 years ago. This was pronounced by physicians to be a tumor, and threatened a quick termination of my life. At this time I asked for and received Christian Science treatment, and was soon relieved and healed. From the first treatment I began to make a consecrated study of Mrs. Eddy's works on Christian Science. I found through this healing that I was also much relieved from asthma, but about a year later I suffered a very acute attack. A few treatments in Christian Science quickly relieved me. This was the last of this trouble, which had been so persistent and painful through many years. Christian Science is my daily study, the source of my happiness and peace of mind.

Mrs. R. L. CRAIG.

I also submit the statement by Mrs. Josephine A. Hebbard of her healing of the drug habit. I know Mrs. Hebbard well. She is a woman of high character and strict integrity, who is now devoting her time and her efforts to the healing of others by the means that saved her from a lingering and horrible death:

Most gratefully do I testify to the healing efficacy of Christian Science. I came to Christian Science to be healed of the morphine habit, having become addicted to the use of that drug through a most severe form of neuralgia which had been superinduced by albuminuria. At the time I was also taking strychnia, digitalis, quinine, and nitroglycerin. I mention these stimulants because it was considered impossible to drop the use of these drugs without severe reaction, causing heart failure; but with Christian Science help I was able to give up all, including morphine. I weighed 97 pounds and was a physical and mental wreck, and turned to Christian Science only as a last resort for and in overcoming this terrible habit.

After receiving one treatment all desire for morphine left me and I gained rapidly in strength and health. During 28 days after taking my first treatment I gained 28 pounds, and in less than three months I had gained 43 pounds.

I was also cured of kidney trouble, nervous prostration, and neuralgia. I did not suffer from the results which always follow the use of this drug.

I am a strong, healthy woman, rejoicing in the freedom Christian Science has given me. I had been a trained nurse before my marriage, and had helped to care for patients who had been afflicted with the morphine habit, and I can not but compare the wide difference in treatment and results when undertaken in materia medica. In materia medica the gradual diminishing of the drug, a substitution, and prolonged suffering, with no encouraging results, and sometimes failure, is pitiful to recall. And if the drug is given up the intense craving and after results leave one in a wretched state physically. This contrast



patients by telling that recent investigations indicated astonishing numbers of unnecessary operations in those two fashionable diseases, enlarged tonsils and appendicitis, and that 17 per cent of the appendixes removed at a Boston hospital were shown by autopsies to be normal," and told of a professor at the Johns Hopkins Medical School who declared in a recent treatise that the street before his office was "paved with tonsils that should never have been removed." The pathetic story is told of little Leroy Atkinson, 8 years old, who drew straws with his sister, aged 6, to determine which should undergo an operation for adenoids first. He lost the cut, went bravely to the operating table, and in a few moments was dead. William C. Johnson, 37 years old, died on the operating table in a hospital in Indianapolis, reported to be from the anesthetic. He was undergoing a slight operation on his toe. Complaint was made that Mary E. Mitchell was forced, against her will, to undergo an operation at the Bayview Asylum, Baltimore, Md., from which she died soon after leaving the operating table. Minnie Light, after a sickness of three days, died in Berlin, N. H., alleged to be from a delayed operation for appendicitis after being treated for some other disease through mistaken diagnosis. John Mehrer died in the General Hospital at Spokane, Wash., from an operation on the tonsils. Verne Alexander, aged 8 years, died from the same cause in the office of the surgeon who performed the operation, in the same city, November 22, 1911. At the same hospital in that city, August Mengelkamp, 16 years of age, died from an operation on November 24, 1911. The cause was not learned, because, as reported, the doctors "refused to discuss the case." The 4-months-old child of Mr. and Mrs. Fred R. Wood, Hammond, Ind., September 26, 1914, died from an operation. Oliver Cramer, aged 15, August 18, 1914, at Gloversville, N. Y., died from lockjaw, resulting from vaccination. Twin children of Mr. and Mrs. W. C. Ulmer, Bloomingdale, Ind., aged 5 years, died August 28, 1914, from an operation removing their tonsils. Mena Smith, aged 15 years, daughter of Mrs. O. G. Smith, Salem, Oreg., died August 14, 1914, from the effects of an anesthetic given for operation for tonsillitis. Thousands of such deaths have occurred in this country. The few I have mentioned have been gathered from the local newspapers and reported at the time of their occurrence.

The custom of splitting fees for performing operations has become a common source of revenue for family physicians. This will explain to some extent the enormous number of operations that are being performed. It pays. This scandal was lately exposed by the Chicago News. The following article from the Kansas City Star, reproduced in the Humboldt Union, quoting from a paper read by Dr. Child before the Jackson County Medical Society, will explain the situation:

**TOO FREE WITH THE KNIFE—GRAFT AMONG PHYSICIANS SAID TO CAUSE MANY DEATHS.**

Fee splitting between family doctors and surgeons who perform operations has been taken up by the Jackson County Medical Society. It has been openly charged in a meeting of the society that "Commercialism, with its parasites, speculation and graft, has a strong hold in the medical profession in Kansas City." Those were the words of Dr. Scott P. Child, chairman of the board of censors of the society, at its last meeting.

It is charged that so universal has become the practice of fee splitting between the physician who gets a case and the surgeon who per-

forms the operation, not only in Kansas City, but throughout Missouri and Kansas, that many physicians get their principal income from their half of the surgeon's fee, and that patients who are in need of operations are hawked around by the family doctors among different surgeons to see which one will give the biggest per cent of his fee to the physician.

But more startling than all is the charge that the family physicians, being enriched by their share of big surgical fees, are straining a point and urge operations where no operation is necessary, and that many have died from this manhandling of patients for big fees.

In the paper which he read before the Jackson County Medical Society Dr. Child made the following statement:

"That such fee splitting is a fact is common history the country over, most flagrantly practiced in our neighboring State of Kansas, and, to our regret, the custom prevails among the profession in this city. To the uninformed, to the doubters, or to those who may believe that proof is wanting, or who, as guilty, may demand evidence to prove their guilt, permit me to say that plenty of proof is in hand and more proof is within easy reach if our society acts upon it as it should."

In his paper Dr. Child made the following specific charges:

"During the last month a physician, a graduate of one of our local medical schools, stated that he had referred operative cases from his town, about 100 miles from Kansas City, to a surgeon and former teacher of his, and that after the operation the surgeon had mailed him a check.

"Recently, on request of the chairman of the board of censors of this society, a member of this society confessed that he had mailed several letters to members of the profession in general practice in which he stated that he was now practicing surgery and was prepared to attend to any work they might refer to him, and concluded by saying: 'The business consideration will be satisfactory.'

"A local physician only recently committed himself in speaking of the number of surgical cases he was referring to a surgeon in this city, of the fees charged, and the fact that he, the physician, received one-half of the money paid by the patients.

"A member of this society, upon graduating a few years ago, and having eye cases to refer to an ophthalmologist, went to a local man of practice and ability and solicited a fee on cases he might refer for special eye treatment. The oculist very honorably refused to buy cases or to pay percentages; and the physician has not referred any cases to him since. Within the past two weeks this same physician referred a special case of another type to a certain specialist in this city and again demanded a division of the fee.

"A very busy surgeon of this society went into a country town to perform an operation upon a boy for appendicitis. The boy was the only child of a family of moderate circumstances. The family physician in the case mailed a check for \$500 to the surgeon through a local bank. The surgeon immediately remitted a draft for \$200 directly to the family physician. I could give many other instances."

I also call attention to the following item in the Chicago News of January 11, 1911, cabled from Paris, showing that this despicable practice is widespread:

"The scandals of commercialized medicine exposed by the Chicago Daily News," said Dr. Doyen, one of the world's most noted surgeons, "exist not only in America but throughout the world, and are most disgraceful where civilization is supposed to be the highest."

In an interview to-day Dr. Doyen described to the correspondent of the Daily News his experiences and suggested what he believes to be the only remedy. Dr. Doyen was found in a Paris hospital, where he had just completed an operation. He was still wearing his white coat and apron and rubber gloves when the correspondent told him of the articles in the Daily News.

#### HE PRAISES PUBLICITY WORK.

"That is the best work done by a newspaper in the last decade," he said heartily. "Certainly the horrible situation described exists in France, Germany, and England. It is everywhere, and publicity given it by newspapers is the best remedy. I hope that publications throughout the world will take up the work begun by the Daily News. While undoubtedly there are many honest physicians, civilization to-day is plagued by hordes of men who are worse than the charlatans of the Middle Ages. The evils existing in the days of Molière still flourish. Read the *Malade Imaginaire* and other plays of Molière and you will find everything, including the doctor who impresses the patient by spouting a string of almost meaningless Latin medical terms."

"What are some of the instances of quackery that you have observed?"

SAYS MURDER IS DAILY EVENT.

"Fee splitting is the commonest. Operations by incompetent surgeons are being performed continually and actual murder is committed in this way almost daily. Other physicians form a ring to exploit a patient, passing him from one to the other, saying, 'Go to Dr. Jones for the eyes, to Dr. Brown for the ears, and to Dr. Smith for the stomach,' etc. One of the commonest witticisms of doctors is: 'A millionaire always has a little piece of cartilage in his nose which can be removed for a large sum of money.' Only last week I overheard one surgeon ask another, 'Why did you operate on So-and-so for cataract before it was ripe?' 'If I had done otherwise, my patient would have gone to another doctor,' was the reply.

"The truth is that medical science has advanced with such rapidity recently that not a few physicians are lost. Intelligent laymen understand modern medical discoveries as well as many professional men, and often better. There is no excuse for a doctor's not explaining a patient's condition in simple language if he knows what the matter is and can explain so the patient can understand. When a doctor does not know he always spouts Latin.

HAS TO KICK OUT LEECHES.

"Physicians telephone to me daily, saying that they have patients requiring operations and asking what commission I will give. When I ask leave to examine the patients they decline to allow it before I have fixed my commission. Sometimes I have to kick such leeches to the door. I also know of several cases of alleged operations in laparotomy when the surgeon merely cut the skin and resewed it.

"Other charlatans, when they hear the name of a man who is about to undergo an operation, search for the name of the surgeon in the case, and sometimes they come three or four at a time demanding commissions, pretending that they are the family physicians of the patient."

"Is it possible for an ordinary physician in Paris to live without such practices?"

"Assuredly, if he is honest."

CHARGE ACCORDING TO WEALTH.

"Do you believe that a doctor should charge in proportion to the wealth of the patient?"

"Yes; because all physicians make no charge to the poor. Also, I believe that a family physician should have a commission when he is forced to advise a patient to go to a specialist. However, instead of the specialist giving the commission secretly, the patient should pay each openly."

"How do you determine the financial status of a patient?"

"The fee should always be discussed and decided before the treatment is begun. People should learn to buy a doctor's services just as they buy clothing."

"Do you believe that such a business arrangement would tend to eliminate the evils mentioned?"

"The evils are due largely to the stupidity of the public, which does not take pains to discriminate between good and bad doctors. The daily press, through leading medical men, should educate the people to use the same common sense regarding the treatment of illness that they use in business."

The following statement of B. F. Goldman, of his experience with the operating doctors, as given in the Boise (Idaho) Capital News of February 23, 1913, is interesting in this connection:

"Several years ago," said Mr. Goldman, "I came to Boise with a swelling in my throat, and, becoming anxious as to what it was, I visited a half dozen of the most prominent physicians and surgeons of the city. Without exception these experts all informed me that I was suffering from goiter and advised me that an immediate operation was necessary. Naturally I did not relish the idea of being cut any more than the average citizen, so I hesitated. I even visited a Chinese doctor, who, to his credit, was the only one among the number visited who advised me against an operation.

"Believing that if I was suffering from such a serious ailment, and must be operated upon, I felt loath to intrust my life to the hands of any but the best surgeons I could find. Accordingly I visited Dr. Housner, of Salt Lake City; Dr. Hamilton, of Topeka, Kans., and others. Without exception the doctors whom I visited outside of



Idaho informed me than an operation was not necessary, laughed at my fears, and told me to 'go home and forget it.'

#### CURE WITHOUT OPERATION.

"With fear and trembling I took their advice, because the idea of being operated upon was repugnant to me. To-day I have no trace of a goiter or any other swelling visible on my throat, and have not been treated in any way for the ailment.

"A number of weeks ago I was lifting a huge boulder in the mine and suffered a hernia. The local doctor told me that an operation would be necessary, and I hastened to Boise. Here I was told by several physicians and surgeons of high standing that I was suffering from an irreducible hernia and that an immediate operation, costing some hundreds of dollars, would be necessary. I was likewise advised to eat nothing, as eating food, I was told, would kill me. Again I visited a number of physicians and surgeons and finally heard of one who had prevented an operation upon a prominent citizen.

"As a last despairing hope I visited him. After an examination he told me that he would show me in five minutes that my hernia was 'reducible.' In a few moments this physician, with his bare hands, reduced the hernia and to-day I am as sound as ever I was, and that without the use of the scalpel.

"If I had been operated upon I would more than likely be in my grave by this time, or at least would have been injured for life. The instances I have cited are merely my own experiences. I know of many more similar cases and of others in which it is very apparent that surgeons have either operated upon sound persons through ignorance or else for the monetary consideration.

"The only protection for an abused public is legislation which will make the surgeons and physicians legally as well as morally responsible for errors in diagnosis, as well as in deliberate cases where the knife is resorted to in order to collect the big fees usually charged in such cases."

The following comments of Dr. George R. Cruickshank on the work of his profession are interesting and encouraging. They are taken from the *Detroit Times*, of November 23, 1910:

Dr. George R. Cruickshank, of Windsor, member of the Ontario Medical Council for the counties of Essex, Kent, and Lambton, and one of the leading members of the medical profession in the Dominion, is the author of the foregoing statements. He made them to the *Times* in his office in Windsor Wednesday morning while commenting on the book *Medical Chaos and Crime*, recently written by Dr. Norman Barnesby, of Chicago. A review of Dr. Barnesby's book appeared last week in the *Times*, and caused no end of comment among the doctors of the city and vicinity. Dr. Barnesby, among other things, charges that ignorance, commercialism, and criminal indifference on the part of many doctors are responsible for much human suffering, and that many young physicians obtain experience at the cost of patients' lives.

"I have seen a number of reports on Dr. Barnesby's book," said Dr. Cruickshank, "and I have come to the conclusion that it is really my book. Dr. Barnesby has said just what I planned to say myself when I got the time to write it. But Dr. Barnesby has got ahead of me in regard to having his views placed in book form. For years I have been voicing the sentiments expressed in Dr. Barnesby's book. I have made known my views in papers before medical societies, and taken advantage of every other opportunity to let the medical profession and public know just how I feel about operations. Certain doctors in Detroit and elsewhere have been performing unnecessary operations for years. Abdominal operations have been performed on men and women for no just cause at all. For these operations the patients have paid fabulous sums. Then you may ask, 'Is there graft in medicine?' I am afraid so, and the grafting is made easy by the high standing of the profession. But the worst offenders are not the young doctors; the leaders of the profession are guilty. Thousands of operations are performed which were better left undone. Perhaps the grafters were enthusiasts, not thieves. If that be not the case, then the offending doctors are worse than the man who robs you with a dark lantern and a 'billy.'

"Young doctors operate better than the older ones, but they don't know when to do so. When a man is sick the great question should be, 'What should be done?' The patient should be glad to give his automobile for the answer. He gives too little for advice and too much for the operation. When a man knows he should give \$100 for advice before he gives \$10 for an operation he will avoid some graft. Meanwhile the grand old profession is at heart self-sacrificing and noble.

"I have seen hundreds of operations which were not necessary, and I will venture to say that no Detroit physician will deny that thousands of operations performed in Detroit are unnecessary."

Dr. Cruickshank deplores the surgical excesses to which the profession has gone in regard to appendicitis, for one thing. In addition to declaring that 75 per cent of the operations for the disease are not necessary, the doctor proudly points to the fact that no patient of his is ever unnecessarily operated on for the ailment. He believes in medical treatment for the cure of the disease.

"No patient suffering from appendicitis should be operated on until it is seen that an operation is absolutely necessary," said the doctor. "Most cases can be cured by proper diet and the administration of medicines and hot or cold applications to the affected portion of the body. Not one of my patients is among those operated on in Detroit, I am glad to say. The appendix is in the body for a purpose, and is not a useless appendage, as claimed by some operators."

Speaking on the practice of removing tonsils, Dr. Cruickshank said: "The fad just now is to remove tonsils. They should not be removed at all. Tonsils are necessary in the throat, otherwise they would not be there. They stand in the throat like two sentinels, ready to take care of any germs which may gather there."

"Some doctors remove them because they get enlarged, but I don't think that is any reasonable excuse. If they become enlarged, it must be for some purpose, probably so they can take care of more than an ordinary amount of germs in the throat. I would remove a tonsil only in case of its being diseased."

"But, happily, customs are changing. While operative excesses are the rule just now, 10 years from now the operators of to-day will be looked on as barbarians. There will be but little unnecessary operating in the future."

But, unfortunately, the criticisms and advice of such members of the profession as Dr. Cruickshank have been of little, if any, avail. The dangerous and life-destroying operations in great and unnecessary numbers still go on. Some time reason and justice may overcome cupidity and greed as the result of wise counsels such as these.

### Efficacy of Christian Science Healing.

Mr. President, I can not speak with authority or from actual knowledge of the healing influences of the various schools of medicine and other means of healing except Christian Science. I have had personal experience in abundance with the so-called regular school of medical practitioners and with homeopathic physicians and a limited experience with osteopathy, none of which were satisfactory. I know nothing of the others except from hearsay. I have no doubt all of them have done much good and some have done less harm than others. The schools of medicine, called irregulars by the allopathic school, have each been compelled to fight their way against the regular school. They came into existence as a protest against the inefficiency of the regulars. The old-school doctors, with their powerful political organizations, have persecuted them with a shocking degree of bigotry and intolerance. They have persecuted them through unjust restrictive laws procured by them from altogether too trusting legislative bodies, but in spite of this persecution these new schools of medicine have been established with more or less success and have gained a greater or less degree of public confidence and favor. All of them have their followers who believe them to be the best means of healing their diseases and ameliorating their sufferings, and the stronger their faith in them the more benefit they derive from their ministrations, but much of this faith and confidence has been misplaced, and as a result many lives have been needlessly sacrificed, many people have un-



necessarily been made suffering invalids for life, and many more have been made the hopeless victims of degrading and degenerate habits, caused by the dispensation of habit-forming drugs, that are worse than death. So it is a grave question—whether medical practitioners have not done the human race more harm than good. My own experience and observation leads me to believe they have. But some other people do not agree with me. They believe in the different schools of medicine, some in one and some in another. So long as they believe in these remedies they should be protected in their right to resort to them for relief. Naturally practitioners of the various schools of medicine each believe that his school and his medicines are the best and most efficacious of all. But it is a well-known and now an almost uniform belief that there are no healing qualities in drugs. Some of them deaden and destroy the feeling of pain and suffering and give temporary relief, but they do not heal disease. Their effect is temporary and fleeting. As they lose their power over consciousness or feeling the pain and suffering return often with redoubled fury. The anæsthetic destroys consciousness and feeling while the surgeon wields the knife. This is a blessing if the operation is necessary, but it has resulted in many unnecessary operations with deadly consequences.

Mr. President, there is one remedy about which I can speak with confidence and certainty from my own personal experience, confirmed by like experiences that have come under my own observation. I was healed in Christian Science when death was near and after all hope of relief through medical practitioners had been abandoned after long and faithful trial of such remedies. I have seen and known of other cases of healing, many of them of organic and so-called incurable diseases, and after medical practitioners had given up the patient as hopelessly incurable. I am going to call some of these cases of healing to the attention of the Senate, not to advertise Christian Science or to induce anyone to accept or resort to it for relief. Its adherents do not proselyte or advertise it or persuade anyone to accept it. My sole purpose now is to show the cruel injustice and folly of legislating against it in favor of any other means of healing. If it saves lives and ameliorates and mitigates sorrow and suffering and regenerates humanity morally and physically where no other relief is to be had, as I shall show it does, it is not only cruel, it is criminal, to forbid or hinder those from doing so who administer its benefits or who resort to it for relief. I would not have anyone infer from the showing I am about to make that it is, as it is now administered, an infallible remedy and always heals. It does fail to heal sometimes, altogether too often, as all remedies must of necessity do when administered through human imperfect instruments. Some of its patients are disappointed and return to the doctors. They have so long been accustomed to be thumped and pounded and dosed and carved that the quiet and silent Christian Science treatment is too tame for them. They think nothing adequate is being done. Doctors often boast of this return to them of those who have taken up Christian Science as convincing proof that the treatment of disease in that way is a failure. But the fact that thousands of patients have left them for Christian Science never to return, or the fact

that those who do return get no relief and are doubly disappointed, makes no impression on their minds, but leaves them strong in the faith that nothing but their method is scientific, regular, or effective. But I am prepared to show that while it fails in individual cases, for reasons that can not always be known or understood, it has healed thousands of cases that under materia-medica treatment would have been incurable. I think I can say with perfect truth that there is no disease not subject to its healing influence, including all of the diseases that are given up by the medical fraternity to be incurable. I am going to give you a few of these cases, many of them coming under my own personal knowledge and observation, the others known to me, through those who have furnished them to me at my request to use as I am now about to use them, to be undoubtedly true and reliable accounts of cases of healing thoroughly authenticated. To mislead anyone by false or unfounded claims in a matter so grave and so important would be cruel and inhuman.

If I have myself been misled as to any of them, I should never cease to regret it. I have for these reasons taken the greatest care in procuring the statements I am about to submit for the candid consideration of the Senate. I shall take the liberty as I go along to state the source of my information and the character and standing of the persons from whom I have received it. None of it has been volunteered. In every instance it has been furnished at my request, with an understanding of the use I intended to make of it. I have called for information from those only upon whose word I felt I could implicitly rely.

Mr. President, I first call attention to a case that came under my own observation, and of which I had personal knowledge. I have mentioned the case in calling attention to the uncertainties and perils of surgery. With as little repetition as possible, I review the facts here. The case is that of a young child 3 or 4 years old, the only daughter of a prominent young business man of Los Angeles, Cal. When I first saw her, she was a beautiful child, with the exception I am about to state. One of her eyes was diseased from infancy; it was believed from birth. The eye and the surrounding parts were badly inflamed, and the eye protruded and seemed almost ready to escape from the socket. This condition gave the side of the face a distorted and distressing appearance. Looked at from one side, the child had beautiful and regularly formed features. From the other side her appearance was repulsive. She was first attended by the family physician, a very worthy and competent member of the profession, whom I know personally. He was unable to give relief. A consultation of specialists in diseases of the kind was called. They concluded that there was a malignant growth, presumably cancerous, behind the eye, and that an operation was necessary to save the child's life. They informed the parents that the operation was so delicate that no one in Los Angeles would undertake it, and advised that the child be taken to the celebrated surgeons, Mayo brothers. The parents had the wisdom in this dreadful emergency to apply to Christian Science for help. I saw the little one at this time and on frequent occasions afterwards. The alarming conditions subsided gradually under the treatment by the

Christian Science practitioner and in a few months the child was entirely healed of the trouble. This was five or six years ago, and now the eye is perfectly well and that side of the face is as beautiful as the other.

I submit now for the consideration of the Senate a statement by himself of the healing of Dr. E. F. Burton, now a resident of New York City, but formerly of Los Angeles and Pasadena, Cal. His statement of his experience, in the form of a letter, was furnished at my special request for the use I am now making of it. I have known Dr. Burton since very soon after his marvelous healing. He is a man of superior intelligence and of integrity and high character.

The following is his letter, which states his experience as a physician and surgeon before his healing and his work since that time:

30 EAST FORTY-SECOND STREET,  
New York, N. Y., August 21, 1914.

MY DEAR SENATOR: Replying to your letter of the 10th instant, in which you ask as to my healing and experience through and with Christian Science, I am glad to tell you of the following history.

I am an alumnus of Rush Medical College, Chicago. After graduation I received an appointment, through competitive examination, as interne in Cook County Hospital, of Chicago, one of the largest hospitals in the country, and served an internship of 18 months, after which I was appointed on the surgical staff of the same hospital, and at the same time an instructor in Rush Medical College. I held these positions until forced by ill health to leave the North. In Arizona I was afterwards appointed acting assistant surgeon of the United States Marine Hospital Service for Arizona. I was a member of the American Medical Association until I left medical for Christian Science work.

About 12 years ago I was advised by Drs. Frank Billings and John B. Murphy, whose names are widely known, that I must go to Arizona if I would take my one chance for life, as I would soon die with consumption otherwise. For a year prior to this time I had been taking a preparation of opium, which was then considered to be nonhabit forming, to subdue the symptoms of consumption. When I went to Arizona I tried to stop the drug, but found that I had a well-founded opium habit, and that when I attempted to break it, which I did several times, the lung trouble became too serious to be borne. Thus the habit increased, as it always does. I had been a moderate drinker, but became less moderate in the use of alcohol, and also soon began to use cocaine to alleviate both the effects of the morphine and for throat symptoms. To make a long and miserable story as short as possible, these three things—alcohol, morphine, and cocaine—became my food and drink.

After some time in Arizona I went to southern California—to Pasadena. Here I sought the aid of a hypnotist to enable me to free myself from these habits, but found this method ineffectual. After this experience the quantities of the three things that I was taking was enormously increased, until toward the end I was taking such quantities of morphine and cocaine as no one has ever recovered from, so far as I know. For weeks I took on an average of more than 100 grains each of these two drugs daily hypodermically, and consumed between 1 and 2 quarts of whiskey daily. I became entirely demented and a menace to those about me.

At this point, and when I had been entirely unconscious for 48 hours, my wife was obliged to call for a consultation of physicians, and five of my fellow physicians, four of whom had been seeing me for some time, told her that I could not live more than three or four weeks, and that this time must be spent under the strictest restraint. It was arranged that I should be sent to the State asylum the following day if possible. At the request of a friend whose husband had been benefited by Christian Science, Mrs. Burton was induced to allow a Christian Science practitioner to call to see me. Again to make a long story short, he came and spent three hours with me. I have no memory of his coming or of his going, but he left me asleep, and I woke on the following morning free from all of these habits, normal in brain and nerve, hungry, energetic, clear-headed, and happy. I knew the moment that I awoke that something had happened to me, and that, whatever had done it, I was free from the awful things that had bound me. But I did not know what it was that had done it until I was told.



That was nine years ago the 20th of April of this year. From that moment I have never felt the slightest appetite for any opiate, cocaine, or alcohol in any form, have never felt any symptom of lung trouble, and have been mentally sound and clear. Nor was there a moment of convalescence. My bowel condition was normal, whereas these organs are in such dreadful conditions even where a moderate quantity of opium has been habitually taken that there are weeks of keenest suffering attendant upon withdrawal of the drug. My nerves were steady and quiet. I read quietly and with understanding, for the greater part of the morning, a book which took a great deal of mental concentration to understand, the like of which I had not been able to do for months. I drove my automobile half the afternoon, also a thing I had not been able to do for some time. I gained 30 pounds in weight the subsequent month, and within 10 days from this memorable morning I undertook and carried to a successful issue the most strenuous piece of work, from both mental and physical standpoints, that I have ever done. A year from the day of this healing I was asked to assist in the surgical work in the Emergency Hospital at San Francisco following the earthquake and fire of 1906, and for three weeks I stood on my feet and operated for about 16 hours a day. This was my last surgery, and coming after a year of study of Christian Science, decided me as to my future course.

I have spent over nine years in constant study of Christian Science and seven years in its practice. I was most enthusiastic in the practice of surgery and was a Pharisee of the Pharisees as to its virtues. I gave it up only after being most thoroughly convinced that there was something better. I have learned to my entire satisfaction, knowing both sides of the question, that Christian Science is a science, and not only that, but also that it is an advance step—and a long one—beyond medicine and surgery, and that time will prove this to the whole world. I have seen many cases of disease healed by it after they had been pronounced hopeless and dying by the best physicians. I have seen disease healed through it in a few minutes where it would have run days or weeks, according to medical prognosis. And although it is not the practice of Christian Science practitioners to attempt the healing of broken bones without the aid of surgery, I have seen dislocated joint and broken bone healed within a few days without the use of splint or bandage. This only promises what will be done in the future.

As to contagious diseases, my experience teaches me that Christian Science practitioners and other Christian Scientists are more scrupulously careful to shield others from danger of contagion and in obedience to the law than are physicians. This I say without equivocation or qualification.

Most sincerely yours,

E. F. BURTON.

Mr. President, what must a man who has passed through such an experience think of laws, which actually exist in some of the States, making the man who rendered him this great service a criminal, subject to fine and imprisonment for saving his life and restoring him to a healthy body and a sound mind? What must he think of the members of his own profession who on that fateful night, with him lying there unconscious, gave up his case as hopeless and consigned him to an asylum as hopelessly insane and sentenced him to an early death, and who would consign the man who took their place and saved both the life and the reason of one of their profession to prison for presuming to save the man whose case they had given up as past all help by a means of healing that they denounce as irregular and unscientific?

Mr. President, this must not be taken as an unusual or extraordinary case of healing in Christian Science. Relief came quickly in this case. So it has in many other cases. But in most cases it comes more slowly. I could cite the Senate to hundreds of cases of healing by this means just as remarkable, some even more remarkable than this one, thoroughly authenticated and beyond dispute. If I had asked publicly for such and like experiences, I could furnish you authentic proof of thousands of cases of healing of diseases pronounced by medical doctors to be incurable. But I could not take up the time of

the Senate in reciting any great number of cases however important I regard this question. I have asked for and will submit only a few of them.

Here is another of a like kind that should challenge the attention of lawmakers, social workers, and humanitarians the world over:

2111 WEST THIRTY-FIRST STREET,  
Los Angeles, Cal., August 27, 1914.

DEAR MR. WORKS: So great a change has been brought about in my life by Christian Science that I am most desirous and anxious that others may know of the experience and profit by it if they wish.

I was born in Hastings, Mich., in 1865; attended the local schools until 1880, when I entered Olivet College. I hold the degree of Bachelor of Arts from that institution, of which I am at the present time a trustee. I was admitted to practice law in 1889, and later went to Saginaw where I associated myself with the Hon. Ferdinand Brucker, then judge of probate and afterward Member of Congress from the eighth congressional district, now represented by the Hon. JOSEPH W. FORDNEY. I had youth, health, education, friends; I belonged to the leading fraternal organizations and was on the highway to success, but I was said to have been born with a hereditary taint in my blood, the appetite for intoxicating liquor, and as my law practice grew larger my appetite for drink grew stronger. Friends warned me, but I laughed at their fears, and told them that drinking would never overpower me; that I could take it or leave it, just as I wanted to do. By sheer force of will I held the appetite in check for a while, but little by little it crawled upon me until it held me within its grasp. Friends advised, relatives reasoned, and my dear mother begged me to take Christian Science treatments and free myself from the bondage; but I laughed at her and told her that while Christian Science might do for nervous old ladies, it would hardly answer for a strong, rugged man like myself. I struggled a little longer, and then my associate, Mr. Brucker, advised me to take the gold cure. I did so, but its effect was only temporary. Then I did everything I could.

Friends, relatives, physicians, and fraternal brothers did all they could, but it was too late for any human help. I lost everything—law practice, money, home, friends, mother—all. I was lost. I went away. My relatives did not know where I was for years. They had given me up as lost. I was a helpless slave to liquor, a hopeless wanderer on the face of the earth, a nameless derelict on the ocean of failure. In addition to the appetite for drink, I was suffering from kidney and liver troubles and was merely waiting for death to come and end me of my misery. It was in January, 1901, that I left Saginaw. I wandered away West, doing anything I could find to do to make a living, working with my hands at any work that offered. I had given up completely. One day in October, 1907, up in the foothills of the Sierras, I met a courageous woman who told me that I could be healed in Christian Science. She gave me some of the literature and loaned me the textbook of Science, but I believed I was too far gone to be saved and wandered on. After a few more months of suffering and misery I found myself in direst extremity. I was hopeless, friendless, and alone. As I stood there watching the sun rise over the Sierras the thought came to me, as it did to another prodigal long ago, "I will arise and go to my Father." I had kept the page of a Christian Science Journal with the address of a Los Angeles attorney who had been saved from the very bondage that then held me. I determined to go to this man, tell him my story, ask his aid, give Christian Science a fair trial; and if that failed, I would then end it all. I started for Los Angeles immediately. I was at Monterey at the time. I had no money, but I lost no time. I rode on freight trains, engines, blind baggage cars, farmers' wagons, and walked when I had to—anyway to get there—but I kept on and on. One day I arrived in Los Angeles and found the man I was looking for. \* \* \* He listened to my story, took me to his heart in kindness, introduced me to a Christian Science practitioner, and—that is all. I awoke from my nightmare and found I was not a drunkard at all. This was in March, 1908. From that day to this I have never had the slightest desire to drink intoxicating liquor. The kidney and liver trouble went with the appetite for drink. I also lost a smoking habit of 25 years' standing. I was later healed in less than a day of an acute attack of diphtheria. I was healed in 1910 of a chronic condition of sciatic rheumatism, to cure which I had spent many hundreds of dollars in *materia medica* without any cure being effected. I have had many other healings I need not mention, but I am not ill any more as I used to be. In these years I have known Christian Science I have learned to live a clean and a pure life. I now have a



wife and home and a dear little baby 17 months old. I am learning to be more patient, more kind, more considerate of others in my daily life. Hatred and anger and criticism and resentment are being driven out of my life, and in their place is being established love and kindness and good will to all mankind. Years ago I agreed with Burns that "Man was made to mourn"; but now I know that there is no condition of disease, misery, or sin so bad that it can not be wiped out forever by the power of Truth. I have learned that it is normal for man to be happy, peaceful, and prosperous, and I am happier to-day as I am writing this letter than I have ever been in all my life. Every statement in this testimony is capable of legal proof. I will furnish full list of names, dates, and other information to any that may desire further information.

Cordially yours,

FREDERICK ALLEN.

Like Dr. Burton, I did not know Mr. Allen until after his healing. His letter shows what he was before he contracted the fearful habit of drink and the depths of poverty and degradation to which he was reduced. He is now fully restored to himself, is engaged in successful literary work in Los Angeles, has a happy home and family, and is, as he says, happier and better contented than he has ever been in all his life. His condition when he applied for Christian Science help has been graphically described to me by the friend upon whom he first called on coming to Los Angeles. He was unshorn and unkempt; his clothing was soiled and worn; in stealing his way on the train he had lost his hat and was wearing an old discarded cap that some one had thrown away. In short, when he stepped into the office, seeking information that might free him from the habit that had so nearly destroyed his life and wrecked his future prospects, he was a veritable tramp. He had no money and no prospects. This was the only hope left to him, and he had sought it eagerly as his last chance. He was taken to a practitioner, who ministered to him without present reward or hope thereof except the inestimable consolation of serving such a human derelict and making of him a free man and useful citizen. He was healed as he says. I know well and intimately the practitioner who rendered this man this great service. I have spent weeks in her home. She was in her earlier womanhood a trained nurse and knew the ways and the practices of the physician and surgeon by actual hospital service. Later her husband was healed by the same means that this man was restored. As a result she became a Christian Science practitioner. She has saved many unfortunates afflicted as this man was and healed many of diseases of almost every kind. Her husband holds a high and important public office. She has a home of culture and refinement, but she finds her greatest and highest enjoyment in her work. She devotes her days and nights to this beneficent service and is subject to call at all hours. She was, amongst many others, called to minister to a woman whom the doctors had determined to be afflicted with an abdominal tumor. An operation was decided to be immediately necessary. The woman had heard something of Christian Science. Her husband had been healed of a broken-down instep. In her great fear of the operation she called for this practitioner's help. She did not go to the operating table. Under treatment, the tumor came away in pieces and the woman was healed.

Let me call the attention of the Senate to one more case of healing of the many performed by this one practitioner, as she has given it to me in a written statement:

A woman of about 45 was taken to a hospital and operated on for cancer of the breast and tissues of the side. Some two weeks after the

operation the patient, feeling that her condition was not satisfactory, as she was suffering and being kept constantly under heavy doses of morphine, asked to have a Christian Science practitioner attend her.

During the second visit made by the practitioner the attending surgeon arrived to dress the wound. He asked the practitioner to look at the wound, and then he pointed out some places upon it where the tissue was breaking down and in a bad condition. Asking the practitioner to go into another room where the patient might not hear what he had to say, he assured the practitioner that he was very glad to have the help of Christian Science, as he believed the religion would be a great help in making her happy in the last few months of her life. He further explained that he and some well-known surgeons had operated on the case two weeks previous to this time; that they had found it one of the worst and most malignant cases of cancer they had ever seen; that the woman's system was full of it; that the tissues had already begun to break down again with the disease; that there was no possible way in which her life could be saved; and that there was nothing to be done but to keep her under heavy doses of morphine until such time as she would die, which he insisted would probably be six months, though there was a slight possibility of her life being prolonged to a year, but under no conditions could she get well. In less than a week after treatment in Christian Science the doctor reported great improvement in the wound. In two weeks the patient was taken from the hospital, driving in an open automobile. After a few days at home and away from the hospital care she refused to take any more morphine, the wound healed completely, and since that time, which is two years or more, she is a perfectly well woman.

Mr. President, the best and most competent physicians declare that the only remedy for deep-seated cancer is the surgeon's knife. They are perfectly sincere in this declaration, because they know of no better remedy. They know and freely acknowledge that this remedy is effective only when the diseased parts are completely removed, which in many cases is impossible to the most skillful surgeon. That many lives have been saved in cancer cases by the knife no intelligent man would presume to deny. But here was a case where the surgeon was helpless to save. He was honest and sincere enough to say so. He was not envious of Christian Science interference, as many doctors are, but like most of them he believed that it could do no more than afford religious consolation until death came within a very brief space.

Mr. President, I have spoken specifically about the work of this one practitioner not because her work is more successful or her devotion to it greater than that of hundreds of others who are rendering like service, but only because I was more familiar with her life and her work.

I submit also the very interesting and remarkable case of healing of Mrs. Elizabeth Downey, wife of Harry S. Downey, of Shelbyville, Ind. Mrs. Downey is a woman of superior education, intelligence, and refinement. Her husband is a prominent lawyer in Shelbyville. His father was a judge in that State for more than a quarter of a century—six years of which was as judge of the supreme court of the State. His last service was as judge of the circuit court, his term of office terminating when he was 80 years of age. One of his sons followed in his footsteps and was for a number of years judge of the same circuit court, a position which he resigned to accept an important office here in Washington, which office he now holds.

I have known the family well and intimately all my life and can assure the Senate of the reliability and truthfulness of Mrs. Downey's statement.

She says:

SHELBYVILLE, IND., December 11, 1914.

When a child of 11 years, in piercing the ears, the lobe of the right ear was injured, the wound refused to heal and remained in an irritated condition until we were obliged to remove the earrings. A small growth about the size of a pea made its appearance on the lobe of the ear, but was removed without serious trouble for the surgeon and little discomfort to myself.

Two years later I again had the ears pierced; the same trouble followed, attended with severe stabbing pains, and the ear became angry in inflammation, which was subdued, but the growth grew to be as large as a medium-sized hickory nut, and the pains increased, when it was again removed. Then the physicians pronounced it a recurrent fibrous tumor.

After six or seven such operations, at intervals from 18 months to 2 years, each time the size increasing, the entire lobe of the ear was deformed and fibers extended down and the pain was almost unbearable at times.

Next a burning process was resorted to, medicines given, and applications used locally, but it was only adding fuel to the flames. After 14 applications of this burning process, in which I suffered tortures only to be compared to the fiery furnace, the tumor was lifted out and was about the size of a hen's egg. The entire lower part of the ear was gone and a surface of diseased tissue extended about 4½ inches down the neck, making it necessary to close the wound by skin grafting, using 9 silver pins and 14 stitches, which was a beautiful piece of surgical work. I was in the hospital nearly three months.

Nine months later trouble commenced again, and I had another experience, though slight in comparison to the others.

Two years later the growth appeared again, when it was operated upon with the knife, but almost at once began spreading its fibers over the face, the pain growing, spasmodically, more and more severe. When the growth below the ear had increased again to the size of a walnut and was purple in color I began to think that death would be preferable to such suffering. Again the burning process was used, chloride of calcium, followed by a powder and poulticing was kept up with suffering untold for six months, when it appeared to be healed. Many kinds of medical springs and drugs were used in an effort to subdue the trouble which was on the increase on the cheek, but finally I was compelled to again go to the operating table. This time the surgeons laid the wound open to the bone and found that the fibers had grown and entwined themselves back of the eyeball, and to save deformity of the eye the skin was drawn up in a puff under the hair. The surgeons had again performed a most skillful and delicate operation, and I thought I was restored and had a chance to claim my birthright of freedom from pain, but the trouble came up again on the same side, in the throat, and grew more serious, if possible, than before. The surgeons then removed five growths in the throat and mouth. The irritation had become so severe, the throat so inflamed, and the tonsils so diseased that the surgeons thought best to remove the tonsils, which was done, and there were found two growths back of them, and in the process of removing them two severe hemorrhages followed, and the situation was most serious. After my seeming recovery and sojourn in Denver for five months, the physician's advice to me was to never again have any cutting done in the throat, and if he had known how much had been done he would not have operated; that I was now all right, but to avoid a repetition.

I came home in November, and in December I found, after a case of pneumonia, that the throat and lungs were in diseased conditions, two growths almost as large as peas, causing constant coughing, and the roof of the mouth was in a badly ulcerated condition, with my voice and entire body in an exhausted condition, and one lung very imperfect. For the first time in my many years of suffering I grew rebellious and discouraged, but finally yielded to the importunities of relatives and friends and consented to go South again, but I felt that it would be a fruitless trip. The physician and my family felt that it was my only hope to regain health in a warmer climate, if life was to be spared to prepare for another surgical operation, so we again turned our faces toward San Antonio, Tex.

After being there five weeks, instead of improving I grew worse, coughing and expectorating such poison that each day I would think I could not endure another. Then developed a case of acute kidney trouble, and, to add to the suffering, a pus formation appeared over the left lung. I then realized that the only material hope was in another surgical operation. By this time my courage had failed and I



felt that death would prove a friend rather than an enemy; but God's ways are higher than man's ways, so that, in my extremity and in my desire to live until my husband could reach me and to escape the operating table (selfish motives, I grant), at the earnest solicitation of friends who realized the situation better than I did, I turned to Christian Science. The saying that it is a dangerous thing to be ignorant of your own ignorance reflected my attitude at that time, for such was my condition. I thought I knew God, but I found that I did not know and understand His power, His willingness, and His might; but in that dark hour I was left alone with Him to guide and protect, and I found that His love did not fail me. All drugs were discarded and, not without some doubts, I turned to a Christian Science practitioner for help; nor was I disappointed. The kidney trouble was met in three days; breathing was improved so that I could lie down in bed; the coughing grew less day by day, and I have never had a hemorrhage since; the roof of the mouth healed, and the pus formation disappeared at the place where the surgeons had blistered to nerve exposure and drained off the pus. Four months later the tumors came off, one after the other, filled with fibers and pus, but with scarcely any flow of blood. From a weight of 110 pounds I have increased to 156.

The first Christian Science treatment was in January, 1905; almost 10 years ago. I have had little or no trouble in the old scars that formerly gave so much trouble in damp or hot weather or when overheated; indeed, all is fast fading from sight or consciousness except the deformity resulting from the cutting, but no longer are they red and angry looking, but are gradually fading away, and the past nine years have been most blessed ones. As I look back and recall the fact that six of these medical men who rendered me the most faithful service of which they were capable have passed on, I can not refrain from expressing my gratitude for their faithful, loyal services, but my heart overflows with gratitude to God for what this truth, Christian Science, has revealed to me, lifting me out of suffering untold, which one would scarcely believe unless witnessing and in the presence of which more than one brave heart has grown faint.

I could not do otherwise than to stand where I do, with absolute belief in the power of truth as learned from the Bible and Science and Health, with an honest effort daily to let my feeble light shine as a true Christian Scientist, for I have had all proof of its healing power and its spiritual uplift.

All of this is absolute truth.

ELIZABETH HARSHMAN DOWNEY  
(Mrs. HARRY S. DOWNEY).

Mr. President, many lives are sacrificed and others ruined by the habitual use of intoxicating liquors and deadly habit-forming drugs. For these unfortunates the medical doctor can afford no relief and the surgeon's knife is unavailing. It is here that Christian Science has shown its efficiency in a marked degree. It has saved hundreds of lives and made happy many desolated homes. I have already given one case of healing from the drink habit and another from morphine and cocaine. Here is another striking case of such healing:

AUGUST 29, 1914.

MY DEAR SENATOR WORKS: In response to your request it gives me pleasure to testify to the immeasurable benefits I have enjoyed as a result of the study and application of the teachings of Christian Science.

Since a child I had been accustomed to associating with those who indulged in liquor in a social way, and, quite naturally, was one with them. After reaching young manhood the habit grew, and it was not long before I often reached home in varying stages of intoxication. This continued with increasing frequency until it was the exception rather than the rule for me to leave my companions and go home before midnight or until I had become so helpless that I had to be cared for.

For many years during this time I held a responsible position with one of the largest financial institutions in the West. My employers realized somewhat the condition into which I had fallen, but through consideration for my family and appreciation of my clerical ability I was allowed to remain with them. Finally my appearance and habits had reached a stage where they were reflecting discredit upon

the institution for retaining me and I was asked to leave. Twice this request was made, and on each occasion I begged for another chance, but it only meant a chance to earn more money to spend for drink. I had forfeited nearly everything a man holds dear—home, friends, reputation, credit, and the confidence of my employers. I had not lost all, for a faithful, loving wife stood nobly by me through those dark days. In her desperation over our unhappy home she suffered a severe attack of nervous prostration. In this condition and after our family physician had done all he could and failed she turned to Christian Science and experienced such relief that it gave her renewed hope for me.

Each morning as I left the house it was with the firm determination to return home immediately at the close of the day's work, but this resolve was shattered as often as it was made. Will power in my case availed nothing. Matters went on from bad to worse. My life was a veritable hell. The future was a blank and my few sober moments were filled with remorse over my wasted life.

At this point, in response to the solicitation of my wife, I agreed to attend a Wednesday evening testimonial meeting. I was not only late in reaching the church but was far from sober. My wife and a friend were waiting for me, and this friend asked if I wanted to be helped out of the condition against which I had struggled so long. My response was in the affirmative, and while I promised to call on him the next day it was the following Sunday before I felt the desire to go to him and talk matters over. The three intervening days have always been more or less of a blank, for during that time I indulged in the wildest dissipation of the years I had drank. I questioned the propriety of this friend's receiving me on Sunday, but a kind invitation came for me to come to his home, where I was lovingly received, and, after talking with me gently and I asked for help, he gave me a treatment, and from that moment to this day I have not taken a drink of liquor nor have I had the slightest desire to do so.

Following the destruction of this false appetite, the tobacco habit left me, the use of profanity was eliminated, many physical ills have been met and conquered, and, in short, a complete mental, moral, and physical regeneration has taken place in my life.

Sincerely yours,

CHAS. E. JARVIS.

I know Mr. Jarvis well. He is a man of superior qualifications and ability, and in every way trustworthy and reliable. Like so many others who have benefited by its ministrations, he has become an earnest and effective worker in Christian Science.

I submit now a testimonial of healing of double curvature of the spine, uniformly agreed, I believe, by medical practitioners and surgeons, to be incurable, and other serious troubles. Mrs. Kleinberger is known to me to be a woman of high character and entirely worthy of belief. This healing is one well known about by many people in Los Angeles and is thoroughly authenticated. Knowing of it, I requested that the statement be furnished me for my use. She says:

In the year 1908 I took my first Christian Science treatment, the principal desire being that I receive relief from the disease commonly known as gallstones, stomach and intestinal troubles, and paralysis of the bowels. I was instantly helped and quickly healed of these diseases.

When I was 3 years old it was discovered that I had spinal trouble; as time went on many physicians agreed that I would continue all my life to suffer from double curvature of the spine. Because of this trouble I was inactive and a burden to myself and those about me.

While treating for the diseases mentioned above I noticed a great relief from the pain in the back, and gradually, with treatment and study, the spine grew straight and strong, allowing me to gain flesh and become a useful member of society.

Accompanying the physical change came an understanding of the true relationship of God and man, and as a result of this understanding a happier outlook upon life and a greater patience and love for mankind.

For this change in disposition I am indeed grateful.

GLADYS KLEINBERGER,

No. 2302 West Twenty-second Street, Los Angeles, Cal.

Mrs. R. L. Craig, whom I have known for a number of years, is a woman of unusual ability, education, and refinement. Her husband died leaving a wholesale grocery business to be cared



for by some one. She took charge of and has managed it for several years, and made it one of the largest, best-managed, and prosperous wholesale establishments in Los Angeles. Besides, she is a public-spirited woman and takes a deep and intelligent interest in public affairs. She is now a member of the board of education of the city. She was healed in Christian Science of tumor that threatened her life, and asthma, from which dreadful disease she had suffered from her childhood. At my request she has furnished me a statement of her experience. She says:

From early childhood I suffered greatly from asthma, with all its attendant complications, such as bronchitis, pleurisy, pneumonia, tonsillitis, and quinsy. At one time, when in a very congested condition, a reputable physician pronounced my case tubercular, and strongly advised an immediate change to a warmer climate. My parents were broken hearted at this decision, and were seized with fear for my future. I was not allowed to go out at night, and was dressed in flannels from head to foot, constantly in dread of taking cold, to which I was most susceptible.

I was told by a number of physicians that there was no cure for asthma, and that I would be obliged to endure it. I was so resigned to this verdict that I did not at first accept Christian Science for asthmatic trouble, but for another affection, which developed about 12 years ago. This was pronounced by physicians to be a tumor, and threatened a quick termination of my life. At this time I asked for and received Christian Science treatment, and was soon relieved and healed. From the first treatment I began to make a consecrated study of Mrs. Eddy's works on Christian Science. I found through this healing that I was also much relieved from asthma, but about a year later I suffered a very acute attack. A few treatments in Christian Science quickly relieved me. This was the last of this trouble, which had been so persistent and painful through many years. Christian Science is my daily study, the source of my happiness and peace of mind.

Mrs. R. L. CRAIG.

I also submit the statement by Mrs. Josephine A. Hebbard of her healing of the drug habit. I know Mrs. Hebbard well. She is a woman of high character and strict integrity, who is now devoting her time and her efforts to the healing of others by the means that saved her from a lingering and horrible death:

Most gratefully do I testify to the healing efficacy of Christian Science. I came to Christian Science to be healed of the morphine habit, having become addicted to the use of that drug through a most severe form of neuralgia which had been superinduced by albuminuria. At the time I was also taking strychnia, digitalis, quinine, and nitroglycerin. I mention these stimulants because it was considered impossible to drop the use of these drugs without severe reaction, causing heart failure; but with Christian Science help I was able to give up all, including morphine. I weighed 97 pounds and was a physical and mental wreck, and turned to Christian Science only as a last resort for and in overcoming this terrible habit.

After receiving one treatment all desire for morphine left me and I gained rapidly in strength and health. During 28 days after taking my first treatment I gained 28 pounds, and in less than three months I had gained 43 pounds.

I was also cured of kidney trouble, nervous prostration, and neuralgia. I did not suffer from the results which always follow the use of this drug.

I am a strong, healthy woman, rejoicing in the freedom Christian Science has given me. I had been a trained nurse before my marriage, and had helped to care for patients who had been afflicted with the morphine habit, and I can not but compare the wide difference in treatment and results when undertaken in materia medica. In materia medica the gradual diminishing of the drug, a substitution, and prolonged suffering, with no encouraging results, and sometimes failure, is pitiful to recall. And if the drug is given up the intense craving and after results leave one in a wretched state physically. This contrast

as a way of everyday living, Christian Science has in it all the good in the world. You know I have never been quite willing to admit that organic disease could respond to the methods of Christian Science, but I would be a poor Christian, indeed, if I doubted God's ability to do anything.

"Dr. Copeland is dean of the New York Homeopathic Medical College and Flower Hospital, New York City.

"Very sincerely yours,

"LULU Y. GEDDES."

(22) R. H. PENTECOST—BRIGHT'S DISEASE.

MEMPHIS, TENN., *September 12, 1914.*

In the year 1905 my health failed to such an extent that I was practically incapacitated for work. Dr. W. T. Watson, of Lexington, Tenn., where I was living at that time, diagnosed my case, and, being a friend of my family, evidently feared to acquaint me with his finding. However, subsequent events proved that his diagnosis confirmed my opinion of the case.

Failing to receive any benefit from materia medica, as a last resort I turned to Christian Science and was shortly healed. Some two years after my healing I was again in Lexington, and seeing Dr. Watson I urged him to tell me what his diagnosis had revealed, whereupon he stated that it was undoubtedly Bright's disease, and that he feared to tell me the real condition at the time of his diagnosis. My healing was permanent, and I am now in excellent health.

Yours truly,

R. H. PENTECOST.

I am familiar with this case and know it to be absolutely true.

Truthfully,

MARY BEATRICE GARRISON.

(23) MRS. MAME LUND—TUMOR.

GRAND RAPIDS, MICH., *September 11, 1914.*

I was healed of an ovarian cyst tumor through Christian Science treatment 16 years ago. My family physician, Dr. O. L. Dales, of Grand Rapids, took me to the U. B. A. Hospital, of this city, where Dr. Herrick performed the operation. I had become very thin and emaciated, and then filled up with water until, from the waist line down to my feet, I was very large. The tumor and what water they caught filled a large pail and weighed 40 pounds. Another tumor grew in its place, which at the end of a year had become very large. The same family physician, Dr. Dales, urged me to have it removed again, and with it the organ from which it grew.

While dreading the operation I heard of Christian Science. I asked for Christian Science treatment and at the end of a week I was free from all pain and discomfort. I continued taking treatment in Christian Science for about three weeks. Not long after Dr. Dales made an examination and found no trace of the tumor. About six months after my healing I passed examination for life insurance.

During all these years there has never been any return of the trouble.

Very truly yours,

Mrs. MAME LUND.

We gladly indorse Mrs. Lund's testimony of healing.

Mrs. CHAS. ALDEN,

901 Scribner Avenue, Grand Rapids, Mich.

M. LUND,

923 Scribner Avenue, Grand Rapids, Mich.

Mrs. H. A. LARAWAY,

506 Union Avenue SE., Grand Rapids, Mich.

(24) FRIEND WEST—CANCER.

CEDAR SPRINGS, MICH., *September 11, 1914.*

In September, 1908, my physician, Dr. A. C. Auren, then of Cedar Springs, took me to a hospital in Grand Rapids to be operated on for appendicitis. Dr. Graves started to perform an operation, and instead of appendicitis he found a cancer of the bowels of so serious a nature as to make an operation useless. The incision was sewed up without performing any operation, and I was informed by Dr. Graves that I might possibly live six weeks.

My cousin, who is a Christian Scientist, asked me to try Christian Science. The incision for an operation took place Tuesday. On the following day—Wednesday—I had my first Christian Science treatment. Saturday of the same week I walked down town, a distance of several blocks. Sunday I took a ride of about 12 miles in a carriage and in 10 days I was working on the farm picking up potatoes.

I am pleased to say that I have remained in good health ever since, having had no return of the cancer.

Very truly yours,

FRIEND WEST.

We indorse the above testimony of the healing of Friend West through Christian Science treatment.

CHAS. R. ALLMAND.  
MRS. FRIEND WEST.

(25) HARRY FISHER—MULTIPLE NEURITIS, KIDNEY TROUBLE, AND TOBACCO HEART.

BUFFALO, N. Y., *September 25, 1914.*

While attending a convention of the National Association of Merchant Tailors of America, held in Washington, D. C., in February, 1911, I was seized with a severe attack of tonsillitis. Upon my return home I sought my physician, Dr. George M. Lewis, 2567 Main Street, Buffalo, N. Y. He did what he could to relieve me, but without success. A few days later I was stricken down with what the doctors term multiple neuritis, kidney trouble, and tobacco heart, and for a period of several weeks I suffered untold agony, and half of that time was in a semi-conscious condition. During the earlier part of my sickness my wife called in Dr. George Mosley, of Delaware Avenue, Buffalo, in consultation with Dr. Lewis, and they agreed that the diagnosis was a correct one and the remedies satisfactory. I was given hot-air baths up to a temperature of three and four hundred degrees, together with various medicines, but I gradually became weaker, until the doctor informed my family that I would not live longer than 48 hours at the longest. My family then asked me to try Christian Science, and I gave my consent to call a practitioner. When he came to my room I was in such a condition that I was unable to sit up or stand, unable to feed myself, and my nurse carried me in his arms just like a baby. After he had given me a treatment he told me that I would be able to leave my bed on the next day, and could do so at once if I wished to. I looked at the practitioner and felt very sorry for him, but to my surprise I did get up about three-quarters of an hour after he had left, for I was completely healed of all my complaints. A desire for tobacco was taken away and a few days later I discovered that my eyesight was healed, for I had worn glasses for about 12 years.

From the day of my healing to the present time I have had splendid health and have not taken any medicine internally or externally.

I remain, yours, very truly,

HARRY FISHER.

I have personally known Mr. Harry Fisher for the period of 20 years and known the awful sickness through which he passed in February, 1911, and can testify to the wonderful healing which he had under Christian Science treatment.

Yours very truly,

LOUIS SAFERSTON,  
*146 East Utica Street, Buffalo, N. Y.*

SEPTEMBER 25, 1914.

One of the most wonderful cases of healing that has come to my notice occurred here in Washington. It is the case of a child born crippled and deformed and declared by the doctors to be idiotic. It was practically made over by Christian Science treatment. And yet people in their ignorance say that this remedy can not heal organic disease, but is good only for nervous or imaginary ailments. I submit the account of the father and mother of this healing:

(26) CHILD OF MR. AND MRS. A. K. WINE—CRIPPLED AND DEFORMED FROM BIRTH.

WASHINGTON, D. C., *September 19, 1914.*

Our youngest daughter, born July 15, 1912, was misshapen at birth, having curvature of the spine and both arms and legs constantly remained in an unnatural position, one arm being drawn down to the side and back in a twisted position, the other arm being drawn up back of the head; both legs were drawn up in an unnatural position. The child had convulsions from the day of her birth, sometimes as many as 18 in a day and night. Every particle of food she attempted to eat would bring on convulsions. She never had a natural movement of the bowels. We tried every means that we could, but her condition never improved.

On August 1, 1913, we took her to Johns Hopkins Hospital, in Baltimore. The surgeons told us that the child had been injured at birth

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and had a clot of blood on the brain; that she was an idiot and could not live; that if it were possible for her to live she would never be able to walk, because her legs were drawn out of shape. They also said that one shoulder was dislocated. She was in such a misshapen condition that this had never been discovered. We brought the child home and the end seemed to be at hand. The local physician, Dr. William P. Wood, said that she was nearly gone, and we began to make arrangements for the funeral. She revived, however, and continued to live. Some friends then called our attention to Christian Science and advised us to give it a trial. We did so, and as soon as the treatment in Christian Science commenced the convulsions stopped and the bowels began to act normally, and have done so ever since. One day when bathing her and moving as carefully as possible the dislocated arm it suddenly snapped into place with considerable noise. It has remained in place ever since. She is now able to stand on her feet, her legs are straight, and she is learning to walk and talk, and is not an idiot.

Before being healed in Christian Science she had cut several teeth. They were all without enamel, so soft and chalky that they could be flaked off with the finger nail. Since her healing the teeth that she has cut have been covered with enamel, and enamel is forming at the roots of the teeth that came before she was healed.

The surgeons at the Johns Hopkins Hospital stated, among other things, that a rib had been broken and grown together. There was a disagreeable-looking lump where the break had occurred. The lump has entirely disappeared. Her back is also perfectly straight.

Mrs. MAUDE A. WINE,  
A. K. WINE,  
116 Third Street, NE.

This is to certify that I have this day seen the daughter of Mr. and Mrs. A. K. Wine, referred to in the accompanying statement. The appearance of the child bears out the statement of the parents. The child appears bright, active, and happy.

WM. S. CAMPBELL,  
The Burlington.

WASHINGTON, D. C., *September 19, 1914.*

(27) MRS. G. H. HAMILTON—DISEASE OF KIDNEYS.

COLUMBUS, OHIO, *September 23, 1914.*

DEAR SIR: In February of 1902 I was confined to my bed for two weeks with abscess and hemorrhage of the kidneys. At that time I was chief night nurse at the Grant Hospital, Columbus, Ohio. Dr. J. F. Baldwin suggested operating. Dr. E. J. Wilson was called in consultation, and they decided not to operate.

For six years after that time, and after leaving the hospital, I had frequent attacks, having employed different physicians—Dr. C. D. McCoy, row of Kenton, Ohio; Dr. E. J. Emerick, of Columbus; and Dr. J. F. Baldwin being in consultation with each one.

The attacks growing more severe and my general health in a more weakened condition until February, 1908, which was the last and most severe, I in a short time after that had an X-ray examination by Dr. C. J. Bowen, which showed the left kidney to be about three times its normal size, with light spots, which, he said, they thought might be tubercular. The right kidney showed the light spots, but could not get distinct outline.

Next, Dr. Starling Wilcox catheterized the ureters, by request of Dr. Baldwin, to determine whether the right one could stand the removal of the left one. But after none of them would tell me what was the trouble, but said the right one was as bad as the left, and they could not operate, but said I must give up all my work. They prescribed a treatment which I tried to carry out, but grew worse and could not stand the medicine, as it injured the stomach.

In May I was advised to try Christian Science. After sarcastically refusing for some time, I finally consulted a practitioner and in four weeks was healed, the poison passing off in the form of a diarrhea, lasting four days.

I have had no return of the trouble and am able to do anything I have to do, for which I am very grateful, indeed.

Mrs. G. H. HAMILTON,  
9132 Summit Street.

(28) MRS. MARY S. STEWART—CANCER.

McCONNELLSVILLE, OHIO, *September 22, 1910.*

It gives me pleasure to give my testimony as to what Christian Science has done for me.

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After being operated upon twice for the removal of a cancerous growth in the breast, and after the growth had appeared again for the third time and in two places, I was induced to try Christian Science. I was healed. I have had perfect health and there has been no return of the disease since. That was seven years ago.

Very respectfully,

Mrs. MARY S. STEWART.

P. S.—The physician who diagnosed the case and who performed the operation were one and the same, Dr. Henry McLaughlin, of Marietta, Ohio.

M. S. S.

(29) MRS. ADELAIDE M. GILMAN—DISEASE OF KIDNEYS.

CLEVELAND, OHIO, *September 22, 1914.*

After suffering for three years with sinking and fainting spells, as well as having considerable pain, I went to Dr. C. F. Hoover, 700 Rose Building, Cleveland, Ohio, for an examination. As a result of this examination he stated that there was a large growth on the right kidney and that the left kidney was so badly affected that there were continuous hemorrhages from it. He said that it would not be advisable to operate, as both kidneys were seriously affected, and advised that I remain as quiet as possible, explaining that any sudden jar might cause a hemorrhage which might result fatally. He even advised me not to go home in my machine, fearing the jolting of the car would produce a serious hemorrhage.

At the request of Dr. Hoover, Dr. William Lower, Osborn Building, Cleveland, also made an examination, as well as a test of the urine, which test corroborated the diagnosis of Dr. Hoover. He also advised against riding in an automobile or street car and recommended perfect quiet.

After consulting with these specialists I was advised by friends to try Christian Science treatment, which I did. The change was apparent from the first treatment. In three months I took an automobile trip of over 1,000 miles, and while on that trip my complete healing was manifested. After the healing a sample of the urine was analyzed by Dr. Tanner, of Willoughby, Ohio, who pronounced it free from any foreign matter.

During the past seven years I have been absolutely free from any discordant condition of this kind and have annually taken trips ranging from 1,000 to 3,000 miles by automobile without experiencing any inconvenience.

Mrs. ADELAIDE M. GILMAN,  
*Beauwood, Euclid, Ohio.*

(30) MAJ. LORENZO P. DAVISON—PARALYSIS, RHEUMATISM, AND OTHER DISEASES.

The STATE OF TEXAS, *County of Tarrant:*

Before me, the undersigned authority, on this day personally appeared Maj. Lorenzo P. Davison, United States Army, retired, known to me to be a credible person, who, being first duly sworn, deposes and says:

That he is at present detailed by the War Department as instructor of military science and tactics at a military school near Fort Worth, Tex.; that he is an alumnus of Colgate University, Hamilton, N. Y.; a graduate of the United States Military Academy, West Point, N. Y., class 1885; that he took the post graduate course at the United States Engineer School of Application, Willets Point, N. Y., 1888-1890; and that at the outbreak of the Spanish-American War he was pursuing special work in the Ryerson Physical Laboratory at the University of Chicago under the direction of Prof. Michalson, the celebrated physicist; that he is now sound, mentally and physically, and able to do more work and better work than ever before in his life; that his present physical condition is due to the healing power of Christian Science; that he was healed by reading Science and Health, With Key to the Scriptures, by Mary Baker Eddy, of the following diseases: Rheumatism of 12 years' standing, diagnosed as chronic; malaria of about 8 years' standing, developed into its most pernicious form, due to continued tropic service; and of the after effects of a violent attack of tropical—Shanghai—dysentery; constipation in its most stubborn form, said to be due to a stricture of the sigmoid flexure which the surgeons claimed could only be completely remedied by an operation.

At the close of the Spanish-American War he found himself completely prostrated physically and mentally, suffering from the above-mentioned complications combined with what the doctors diagnosed as chronic neurasthenia, and that he was invalided home from the Tropics, with

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little or no expectation of ever being able to do active service again. That in July, 1900, his command was ordered abroad as part of an expedition for the relief of the legations at Peking, China, and while but little improved in health, he went with his company in a vain attempt to flee from what seemed a worse state of affairs at home—desperately sick in soul and in body, a soldier's grave in a far-off land seemed to be the highest hope both for himself and his family; that his service in the Philippines was practically a repetition of that in the American Tropics, resulting in frequent collapses and a final complete breakdown, culminating with malignant ear trouble and mastoiditis; that his mental and physical condition was such as to render it unsafe to operate for the latter trouble, which apparently developed into what was finally clearly diagnosed by expert physicians and surgeons as pachymeningitis, affecting the part of the brain supposed to be the center of sight, speech, and hearing; that he was sent from one military hospital to another for observation and treatment, until between Christmas and New Year's, 1902, at the Army and Navy General Hospital in Hot Springs, Ark., he was stricken with paralysis affecting the right side; 11 days later a second stroke included the entire right side and affected the left; some 14 days later a third stroke of paralysis completed the work and left him apparently helpless, sightless, and speechless. That these strokes were well defined, and on account of his age, 44, the surgeons held out no possible hope of recovery. While in this state, much of the time in a state of coma, given up by the kind, competent, and sympathetic surgeons as hopeless, waiting as patiently as possible for death which seemed inevitable, some words of the Christian Science textbook, Science and Health, with Key to the Scriptures, by Mary Baker Eddy, came to him with new meaning, a meaning not understood when read years before in mere technical investigation; that he began to realize their healing effect, and turned to God for the first time with an honest desire to live, to be good, and to do good; that more and more of this truth came to him as he continued to ponder it, and to the amazement and confusion of the surgeons in charge he began to recover the use of faculties and limbs; that from that time on, especially after being able to again procure a copy of Science and Health, depending entirely on Christian Science for healing and reformation, he was freed from those various diseases slowly but surely, and is to-day a well, strong, active, and happy and contented man; that for many years preceding his final breakdown he was what is called a steady drinker—never actually drunk, but requiring more and more frequent indulgence in stimulants to do his work, and fond of gaming, often carrying it to excess; profane and otherwise not over choice in the use of words or ideas; a confirmed tobacco user in all its worst forms, and without fear of God or respect to man, and without a hope of a hereafter; that these habits fell away from him one by one while reading and studying the Bible in connection with and as interpreted by Science and Health until now he rejoices in freedom from all the above degrading conditions; that in 1904, when he came up regularly for examination for promotion to his present rank, the examining board, in performance of their sworn duty, called in expert medical testimony and found that, although rapidly improving, he was entirely unfit for active service, and that there was no reasonable hope that he would be able to do duty again, and thereupon he was retired from the active list of the Army; that in 1906 he was examined for a policy of \$5,000 in a well-known life insurance company and passed the medical examination successfully and highly satisfactorily, and that with a full and detailed knowledge of the medical history of the applicant the proper authority (the vice president of the company in this case) waived the facts of said medical history and officially considered him and recommended him as an "excellent risk"; that said policy was thereupon issued, and that a year and a half later, when deponent allowed said policy to lapse because he considered it an unnecessary expense, the said insurance company urged him strongly to maintain said policy; that he at this time hardly knew what a "healer" or "practitioner" meant in Christian Science, and had no treatment or other outside help until later; that the medical history of the deponent is a matter of record in the War Department, Washington, D. C., and at the various hospitals and posts where he was afflicted—records made on the spot by unbiased and competent surgeons; that in the interest of truth the deponent will facilitate the examination of such records and will gladly answer in detail any questions as to his previous or present condition; and deponent further states that he knows by indubitable evidence which is too sacred to be made public that his healing and reformation are due to the complete change of thought concerning God and concerning man in His image and likeness, brought about by reading and studying

and attempting to apply the discovery by Mary Baker Eddy known as Christian Science.

L. P. DAVISON.

Subscribed and sworn to before me this 22d day of April, 1910.

W. W. HAZZARD,

Notary Public, Tarrant County, Tex.

(31) MRS. NINA ECKSTEIN—BLINDNESS.

When about 4 years old I fell into a pond of water which was covered with scum, my eyes becoming infected with same. For some weeks I could not see at all, and when the doctor did not help me my mother took me to an old man who healed by prayer. After my third visit I was able to see. When the trouble returned and I was taken there again we found that the man had died, and I was obliged to resort to material means again. When I reached my sixteenth year I went to Prague, Austria, and entered a hospital, where I remained about four weeks and was discharged as healed. Two years later I went to New York, and after being there one week my eyes again became very much inflamed and I was taken to an eye specialist, whose name I have forgotten. He said that my trouble was incurable, and his fee being more than I could pay, I was obliged to go to Dr. Knapp's free clinic; and I continued to go there for 12 years, sometimes three and four times a week. Dr. Born attended me most of the time, and although everything was done for me, I grew worse. Hearing then of a new clinic that had been opened on One hundred and twenty-sixth Street and Fifth Avenue, known as the Sherwood Memorial Eye Infirmary, Dr. A. Scott being the head physician, I went there. I can honestly say that everything known to the medical profession was tried by Dr. Scott. After one year and a half of faithful service he came to the conclusion that he could do no more, and said that unless God performed a miracle I would become blind.

Shortly after this I heard of Christian Science, and remembering Dr. Scott's statement, I investigated it to see if there was any help for me. I was also told by the above-named physician that the sight of one eye was gone and it was only a question of time with the other. Indeed, my whole head was so affected that for eight months previous to my coming into Christian Science I was attended by two physicians daily, Dr. Scott for my eyes and Dr. A. Kuntz for my head. Fearing that I might lose my mind, the latter often put leeches on my temples to draw off the blood. I was warned by Dr. Scott never to neglect my eyes even for one day, as it might prove fatal. With this thought I took up Christian Science, and three weeks later, not having sufficient understanding of the Truth, as taught in Science and Health, with Key to the Scriptures, by Mary Baker Eddy, to overcome the fear produced by the doctor's verdict, I became totally blind. I remained in this condition for three months, when the light began to dawn upon me and gradually I was able to go alone. About a year later I called on Dr. Scott and told him what I had done. I shall never forget the tears of joy he shed when I explained to him that I was no longer discouraged nor despondent and that I wanted to live. Although he was sure, according to the condition of the eyes while under his care, that if the vision were ever destroyed nothing could possibly restore it, when he was told that after being blind for three months I was able to see he was honest and good enough to acknowledge the power of God as taught in Christian Science.

In conclusion, will say that for over 16 years I have relied wholly on Christian Science for every discordant condition that has presented itself, and can honestly say that I am younger, healthier, and happier than I had ever hoped to be.

Sincerely yours,

MRS. NINA ECKSTEIN,

70 Lenox Street, Hartford, Conn.

Although I am not a Christian Scientist, I know the above statement of my sister-in-law's healing to be absolutely true.

H. W. SEIDE.

(32) MRS. LILLIE D. ATKINSON—DEAFNESS.

When about 18 years of age my parents discovered that I was becoming deaf, and at once placed me in the hands of a specialist. For a period of about nine years I was treated by almost as many physicians, but without relief; in fact, I became almost totally deaf. Eight years ago last May I went to Dr. Frank Crouch, one of the most noted specialists of Baltimore, Md. After a thorough examination he told me that the deafness was caused by a gradual weakening of the auditory nerves, and that in a very short time I would be totally deaf.

I immediately took up the study of Christian Science, and my hearing has been restored so that I can hear ordinary conversation without

the least difficulty. Along with this healing came healing of my eyes, and I was able to dispense with glasses, which I had worn for 10 years, besides being healed of an affection of the kidneys, for which an operation had been advised, and a supposedly incurable skin disease of lifelong standing.

Very truly yours,

Mrs. LILLIE D. ATKINSON,  
1205 N Street, Washington, D. C.

OCTOBER 9, 1914.

(33) WILLIAM H. SEYFRIED—NECROSIS OF BONES OF THE CHEST.

NEW LONDON, CONN., October 15, 1914.

By this letter I desire to testify to my personal experience and to the efficacy of Christian Science as a healing agency when at death's door.

In June, 1903, I was taken down with typhoid fever while playing an engagement at the Atlantic Highlands Casino as musical director. During my illness that season the board of governors did everything possible to make me comfortable and furnished me with the best medical aid obtainable. My local physician being Dr. Van Mater, of Atlantic Highlands. When my condition permitted, I was removed to my home in New York City with the hope of being able to take my usual winter engagement, but my convalescence was very slow. In November of the same year I had severe pains in my chest, and finally after our family physician's examination (Dr. Gilday, of the Polyclinic Hospital staff, East Thirty-fourth Street, New York City), it was said that there was a growth on my chest which must be removed by an operation. When this was over, I was informed that the operation, which took place in Dr. Gilday's office, had disclosed a serious affection of the bone.

I kept putting off the question, however, until after another examination in April, 1904, when I went to the Polyclinic Hospital for my second operation. This time the surgeons removed not only part of the center sternum, or breastbone, but also one rib. The wound not healing, I became very much disheartened, and in November of the same year I went to a specialist, Dr. William Tillinghast Bull, who said after an examination that another operation was the only thing.

A few days before Thanksgiving Day found me in Dr. Bull's sanitarium for my third operation, and this time a second and third rib were removed, leaving me weaker than ever. This operation was performed by Drs. Bull, Walker, and Denton. Now came the time for me to go about with a cane, with one of my family as an escort, and I often prayed to be taken out of such misery.

January, 1905, found me back in the same sanitarium for the fourth operation within less than a year. In this last experience two more ribs were removed, and left me in a dreadful condition; and about the 1st of March my dear friend Dr. Bull gave me up, saying twice to me while dressing my wounds: "Can't you think of something else you might try, or some other doctor?" When I returned home I pondered over this question, but concluded I had had about all the cruel steel I could endure; in fact, my surgeon told me once I had better arrange my personal affairs, as bone necrosis was incurable when in such an advanced stage as mine.

Shortly after this a friend called and asked my good wife to have me try Christian Science. I was approached on the subject, and, thinking it over, it came to me that if Christian Science did me no good it certainly could do me no harm, and the more I thought of it the more I felt like trying it. Very rarely was I permitted to go from home to the surgeon's office, unless one of my family accompanied me; but one day something happened that I went alone, and when I came out of the surgeon's office I stood at Herald Square with tears streaming down my cheeks, confronted with the prospect before me of trying surgery again, and this time still another rib was to be removed. But remembering my firm resolution not to have any more operations, my heart filled to the brim with discouragement, these thoughts presented themselves to me: Will you try Christian Science, or will you submit to another operation? As I could not take any chances in a crowded Broadway car, I walked with great difficulty to a Christian Science practitioner's office in Forty-second Street.

It was on a Saturday that I had my first Christian Science treatment, and every day I went to my practitioner's office, and on the following Thursday I had left off the corset-fashioned bandage which I had worn over six months. It was cold weather in March, and I questioned whether I should leave it off or undress and put it on; however, I did not put it on. On Friday of that same week I had no cane to carry, and the week following the exposed rib which was to have been next operated upon was entirely covered.

The next thing that happened came as a surprise to my friends. It was well known that I had worn glasses for 12 years. It is now over



9 years since my healing in Christian Science, in which time I have felt no need of glasses, nor has my health ever failed me once in that time. I know no fatigue or weakness, which I attribute to the healing preventive as taught me in the Science of Christ.

Here it is but just to say that all the physicians and surgeons who attended me through many years of sickness were working diligently to make me a well man—for some were very dear, personal friends—and I wish to express my love for and appreciation of these gentlemen. I know that they and the nurses did the best they knew; but, notwithstanding, they could give me no assurance of restored health.

It is in gratitude for my splendid recovery and with the hope that this testimony may help others to understand the healing efficacy of prayer as taught in Christian Science that I submit these statements to you.

Very sincerely,

WM. H. SEYFRIED.

I hereby wish to indorse all the statements made by my husband in the accompanying testimony. From my own personal knowledge and observation I realize "the half has not been told" of this wonderful recovery from what seemed to be certain death.

ANNA M. SEYFRIED.

(34) CHILD OF MR. AND MRS. WALTER T. TRITTIPOE—EPILEPSY.

September 15, 1912, our little girl came home from a three months' visit to Virginia very nervous, and grew much worse daily. We called a physician (Dr. Chadwick, the Burlington), and he in turn ordered us to get our family physician, who was sick himself when we first sought medical treatment for the little one, namely, Dr. E. L. Mason, the Portner, and the two of them consulted a third physician. After several weeks' treatment, the medicine being changed three to four times a week, they agreed that it was a very pronounced case of epilepsy and assured us that there was no hope for the child, who, by the 15th of December, was having from 20 to 30 spasms in 24 hours, in some of which we could scarcely detect any signs of life whatever, the doctor remarking that the only relief for us or the child would be in its death. About December 20, 1912, on the advice of some friends and acquaintances who were not Christian Scientists, we sought a Christian Science practitioner. Within the space of two weeks the little girl was sleeping fine of nights and before the 15th of January, 1913, she was absolutely well. Nearly two years have passed, the little one is well, is enrolled in the Christian Science Sunday School, and attending the public school every school day.

Mr. and Mrs. WALTER T. TRITTIPOE,  
1105 N Street NW., Washington, D. C.

NOVEMBER 3, 1914.

(35) MARY S. COOK—LOCOMOTOR ATAXIA.

In October, 1907, I was taken very seriously ill with peritonitis, and while still laboring under this claim I was attacked with a severe nervous affliction, one of the manifestations of which was very severe pains in my lower limbs. The diagnosis of my trouble by the physicians of the health resort at which I was staying was rheumatism. The pain was so intense that it became necessary to keep me under the influence of morphine most of the time. Upon my return to my home my family physician pronounced my trouble to be neuralgia, and still continued the morphine treatment. Later our local physicians determined that I was suffering from neuritis, which they thought was superinduced by eye strain, and they recommended that I consult a noted eye specialist in Philadelphia, which was done without any relief, although glasses were prescribed and I was assured that they would give the desired relief.

While in the East another physician was consulted, who diagnosed my trouble to be multiple-neuritis, and upon my return home our local physicians agreed with this diagnosis. I was confined to my bed and conditions grew constantly worse, and specialists were called in from many different parts of the country. This was the condition for about four or five months, during all of which time I was almost constantly under the influence of morphine. Finally at a consultation of physicians it was announced that I had locomotor ataxia and that my chances of getting well were very slight indeed, and that if I should get well I would never be able to walk again. About this time morphine ceased to affect me, and it became necessary to chloroform me several times a day. Things went on like this for several months until I became insane and almost totally paralyzed, and was given up to die by a consultation of physicians.

After the physicians gave up and it was thought to be only a question of hours before I would pass on, it was decided to try Christian

Science. A practitioner was called on the 15th day of April, 1908, and about three days later my mind was entirely clear, and in less than a month I was out riding. Being unable to walk, I was carried every place for about six weeks; then I learned to walk, like a child taking his first steps. I finally walked and enjoyed perfect health, and have done so ever since that time.

MARY S. COOK,  
129 West Rayen Avenue, Youngstown, Ohio.

(36) MARY E. BOHRER—DEAFNESS.

As a result of brain fever when a small child, abscesses formed in both ears, perforating the drums and in a few years causing deafness. This condition existed about 20 years, and at the time that I first heard of Christian Science I had never used a telephone, conversation at my own dining table was almost an impossibility, and for nine years I sat before a Presbyterian minister and never heard a single sermon he preached. The first time I attended a Christian Science service the only sound I was able to hear was that of the congregational singing.

I began treatment in Christian Science about eight years ago, and now through Christian Science I am able to hear not only all of the Sunday service, but also most of the testimonials given at our Wednesday evening meetings. About two years ago some wax hardened in the interior of the ears, which I could not remove, and I was advised to go to a physician and have it removed. I did so, and when the physician looked into my ears he said that the scars on the ear drums showed where the perforations had been, but that the drums were perfectly healed and there was no reason from a medical standpoint why I should not hear perfectly. He expressed himself as regarding the healing as a most remarkable one.

MARY E. BOHRER,  
326 Virginia Avenue SE., Washington, D. C.

DECEMBER 18, 1914.

Mr. President, to summarize the cases of healing I have presented to the Senate and the number of each of the mentioned diseases, they include 57 cases, covering 36 distinct diseases, and the number of each kind shown to have been healed are almost, if not all of them, regarded as incurable by medicine or surgery, and diagnosed as such by competent physicians. They are as follows:

Tuberculosis.....	7	Insomnia.....	1
Drink habit.....	3	Diabetes.....	2
Drug habit.....	2	Pemphigus.....	1
Kidney disease.....	6	Lead poisoning.....	1
Cancer.....	10	Valvular heart disease.....	1
Tumor.....	7	Paralysis.....	1
Double curvature of spine.....	2	Chronic myelitis.....	1
Asthma.....	1	Gallstones.....	1
Nervous prostration.....	1	Lung trouble.....	1
Neuralgia.....	1	Bright's disease.....	1
Organic heart disease.....	1	Multiple neuritis.....	1
Rheumatic gout.....	1	Tobacco heart.....	1
Ulceration of stomach.....	1	Rheumatism.....	3
Accidental injuries.....	1	Blindness.....	1
Locomotor ataxia.....	3	Deafness.....	2
Malformation of children.....	3	Necrosis of chest bones.....	1
Chronic constipation.....	2	Epilepsy.....	1
Indigestion.....	1	Appendicitis.....	1

Many good people who do not believe in Christian Science concede willingly that it is doing great good in bringing consolation and good cheer to the bereaved and disconsolate, allaying fear, and healing functional or imaginary diseases, but deny its power to heal organic diseases. For these they still believe resort to the medical practitioner is necessary. In the cases I have given not one is of the kind to which it is thus conceded Christian Science may successfully minister. Of such as these cases by the thousands might be cited. But they can be healed by the medical doctor with his drugs or his bread pills. The great work of Christian Science, as I have shown, is in the healing of organic diseases given up by the doctors as incurable.



Mr. President, it is this kind of beneficent and humane work that the doctors and others are trying by every means within their power to suppress by law and by regulations of the Public Health Service. And incomprehensible as it may seem, the Government in its various departments is aiding and abetting this unjust persecution of people who are endeavoring to ameliorate the suffering and sorrows of their fellow men, redeem them from their sins, and heal them of their diseases. The work of Christian Science is too well known now for any intelligent man to say that he does not know of its good work. If anyone does not, it is his own fault. Its beneficial ministrations have extended all over the civilized world. Its workers can be found everywhere. Through bias and prejudice men may go blindly on and deny its efficacy. But if they do, it is either through willful prejudice and intolerance or ignorance, for which there is no valid excuse. Men continue to denounce and ridicule not what Christian Science is but what they think or have been told it is. But the opposition to it no longer comes from broad-minded, tolerant, and intelligent people who are informed of its methods and its fruits, but from those who are not informed or those who are wilfully blind to its beneficent work or those who are interested in preventing the continuance of its activities for selfish reasons of their own.

There can be no better place to discuss its merits and expose the sources from which this opposition comes than in the Senate of the United States, where broad-minded, tolerant men sit in judgment on the rights and privileges of American citizens and make laws to protect and preserve those rights inviolate. It is this fact and the fact that proposed laws restrictive of the rights of Christian Science are now pending before this body that have emboldened me to speak freely and candidly in defense of those rights and the rights of common humanity.

### Healings Recorded in the Bible.

Mr. President, such healings as I have been relating and by the means indicated are not new. Christian Scientists have no monopoly on divine healing. It is a remedy open to all men who in the right spirit seek or give relief. It may be administered by anyone possessed of sufficient understanding, consecration to the work, and faith in the healing power. Jesus of Nazareth practiced it centuries ago. He commanded his twelve disciples:

Heal the sick, cleanse the leper, raise the dead, cast out devils; freely ye have received, freely give.

After appointing the additional 70, He imposed upon them the same duty to mankind and his commands were faithfully observed. He said:

He that believeth on me the works that I do shall he do also, and greater works than these shall he do because I go unto my Father.

I am not going to detain the Senate by any extended comments on the healings performed by the Nazarene. I assume that every Member of this body is familiar enough with the Bible to know of His healing work. I refer briefly to the fact that it is recorded that He healed the following diseases specifically mentioned: Leprosy, palsy, fever, insanity, issue of blood for 12 years, blindness, dumbness, withered hand, paralysis, both blindness and dumbness in the same person, great

multitudes of the lame, blind, dumb, maimed, and many others, impediment of speech, epilepsy, and dropsy; and that He healed all manner of diseases and raised some from the dead.

In His great work of healing He resorted to neither drugs nor the surgeon's knife, neither did He recommend or recognize any such remedies.

Before and after His crucifixion this same work of healing was done not only by His disciples but by others. At the gate of the temple beautiful Peter healed the man lame from his mother's womb, and the people "brought forth the sick into the streets and laid them on beds and couches that at least the shadow of Peter, passing-by, might overshadow some of them. There came also a multitude out of the cities round about Jerusalem bringing sick folk, and them which were vexed with unclean spirits and they were healed everyone."

And for this the high priests were filled with indignation and laid hands on him and his companion, John, and put them in the common jail. But they continued their work, saying: "We ought to obey God rather than men," and "they beat them and let them go." For like work Stephen was stoned to death. Philip, in the city of Samaria, "cast out unclean spirits and healed many, and there was great joy in that city." At Lydda Peter healed the man Æneas, who had kept his bed for eight years and was sick of the palsy, and raised Dorcas from the dead.

For this and his teachings Peter was thrown into jail, but escaped, and James for like reason was slain by the sword. In Lys-tra Paul healed the man, impotent in his feet, from his mother's womb. For his work Paul was stoned and left for dead, and later he and Barnabas were imprisoned and put in the stocks.

Mr. President, these devout and consecrated men were persecuted, imprisoned, and some of them put to death because of their teachings and their beneficent work for mankind. Jesus, who taught and practiced this method of healing, was persecuted, imprisoned, and finally crucified. His followers, following in His footsteps and endeavoring to fulfill His commands, met a like fate. This was centuries ago. But the spirit of intolerance and persecution survives the years. The men and women of to-day, who are conscientiously trying to carry out His injunction, laid upon all men, to heal the sick, are persecuted and imprisoned as He and His disciples were persecuted and imprisoned. If they were here to-day doing the work of healing that they did then, they would be subject to fine and imprisonment under the laws of some of the States. They would have been held criminals under the laws of still other States if they had healed the sick without first procuring a license from an examining board of doctors. How absurd this appears when applied to the original Teacher of this mode of healing and His disciples. But, sir, it would have been no more absurd, no more cruel, no more unjust than it is to-day as applied to those who are conscientiously endeavoring to do this same work of healing and with such results as I have been presenting to the Senate.

I have given but few of the cases of healing recorded in the Bible, as I have of those of this later time. There were multitudes healed then, and of all manner of diseases, just as at the

present time. I might follow up this work of healing for at least 300 years after the crucifixion. In Gibbon's History of Rome it is recorded that such healings occurred long after the crucifixion and long after all of the disciples of Jesus had passed away. The work of healing that is now going on is only a renewal of the methods then practiced. It is not new. It is as old as the Christian religion.

#### **What the Doctors are Doing to Maintain Their Monopoly.**

Mr. President, on a previous occasion I called the attention of the Senate to the extent to which doctors are going to secure monopolistic control of all medical and healing activities. But the efforts of certain doctors have increased of late rather than diminished. They are not content to follow their profession, to which no one would object. The most of the people of this country still desire the services of the medical practitioner, though the number is steadily growing less as people learn how little help they can get from that source in time of sickness and disease. But so long as anyone believes in medicine or surgery as a means of healing disease he is entitled to have it, and neither the Government nor anyone else has any right to deny him what he wants. And no one will deny, not even those who have no faith in drug healing, that the medical doctors are doing great good and alleviating much human suffering.

Therefore the right of the doctor to practice his profession, and of those who desire his services to go to him for help, should be jealously preserved and protected. Not only that, but the efforts of the American Medical Association to educate the members of their profession, elevate the standard of medical practice, and render the work of its members more intelligent and effective are to be highly commended. I presume nobody would complain of that. Certainly I do not. It is the constant and often unwarranted efforts made by some, not all, of the members of that association who control its policies and methods, to secure legislation beneficial to themselves at the expense of others, in violation of the constitutional rights of other people, and detrimental to their interests that has aroused deep-seated and determined opposition to their methods. By such methods they have materially injured the reputation of the whole medical profession of their school, and the association has been falling off in its membership. In the report made by the president of the association at its meeting at Atlantic City June 15, 1912, it was said on this subject of membership, among other things:

The number of members May 1, 1911, was 33,960; 299 members have died, 1,301 members have resigned, 500 members have been dropped as noneligible, and 1,987 have been dropped for nonpayment of dues, and 64 reported not found, making a total of 3,151 names to be deducted from the membership list. There have been added 3,474 to the membership roll, of which 2,253 were transferred from the subscription list. The membership of the American Medical Association May 1, 1912, is 34,283. There have resigned from the association in the past four years 4,899; there have been dropped for the nonpayment of dues 2,726, making a total of 7,635 members taken out of the association. Why? This means an annual loss to the association in dues alone of \$38,175, and a still greater loss in prestige and education. No business house would permit such a loss of patronage without the closest scrutiny and the most careful analysis.

Mr. President, much of the opposition to legislation favoring and extending the power of the regular school of medicine has



been aroused by the proposal in the Owen bill to establish a department of health, with its head a member of the President's Cabinet, and some of the matter I shall submit will relate specifically to that bill. But it is only a part of a general scheme on the part of the American Medical Association to intrench its school of medicine in power in both State and National affairs. It has worked through various channels to manufacture sentiment in favor of its legislation. The teachers in the various schools, public and private, and the woman's clubs throughout the country have been the victims of its selfish efforts in this direction. In some instances they have had the good sense to refuse to be made parties to the scheme, as I shall presently show. But a good many others, including the National Bureau of Education, have succumbed to its influence and become the advocates of unjust and undesirable legislation.

As an evidence of the activity of the doctors in their efforts to secure the passage of the Owen bill, let me quote an account furnished me of a meeting of the Chicago Woman's Club, at which the bill was considered:

For the third time within a year the Chicago Woman's Club discussed the Owen bill Wednesday, January 22. The advocates of the measure brought all of their influence and their strong forces to obtain an indorsement. Dr. Charles A. L. Reed was brought from Cincinnati to speak. Dr. John B. Murphy, ex-president of the American Medical Association, who has been the leader of the campaign to obtain a national department of health, with Dr. C. A. L. Reed as his principal lieutenant, was there. Dr. W. A. Evans, of the Chicago Tribune, was on hand. All spoke.

Dr. Mary McEwen, chairman of the legislative committee of the General Federation of Women's Clubs and also of the Illinois Federation of Women's Clubs, was present and told the Chicago Woman's Club that as the two great central organizations had investigated and indorsed a national health department there was nothing for the Chicago Woman's Club to do but to pass resolutions favoring a national department of health. Dr. Anna Blount, chairman of the legislative committee of the Chicago Woman's Club, approved what Dr. McEwen had said, and pointed to the indorsement of the Owen bill by her committee by a vote of 4 to 3. Dr. Rachel Yarros also spoke as a member of the Chicago Woman's Club for the bill.

The opposition was participated in by Mrs. Grace Wilber Trout, Mrs. Linda Prussing Azemar, Mrs. Sarah P. Cane, Mrs. Florence Potter Seaton, Dr. Frances D. Bloomington, Dr. Mary Elizabeth Manks, Mrs. Bernadotte K. Sodon, and Mrs. Katherine Knowles Robbins. Dr. A. C. Tenney was the only outside speaker, and as a guest he was allotted five minutes. Mrs. Charles W. Wright, member of the legislative committee, presented the minority report against the indorsement of the Owen bill.

Mrs. Trout made the hit of the day by declaring that "we have been fighting to rid ourselves of the political boss and the commercial boss, but now you propose to saddle upon us a medical boss."

After the conclusion of the discussion the guests were requested to withdraw and the voting began. The motion to adopt the report of the legislative committee indorsing the Owen bill was defeated by a vote of 2 to 1. The motion to adopt resolutions similar to those passed by the General Federation of Women's Clubs and the Illinois Federation was then made by Dr. Yarros, but the club adjourned before they were acted upon.

In view of the great pressure brought to bear upon the members of the club by the speakers of the day, the women who opposed the steam roller of the American Medical Association certainly are to be congratulated upon the success they achieved. The Illinois branch of the National League for Medical Freedom contributed toward that success by advice and literature, which were supplied to various members of the Chicago Woman's Club upon request.

Mr. President, the efforts being made to control all health activities extend to the management of the schools as well as the homes of the people. Sex hygiene, compulsory physical

examination of school children, vaccination, the use of various serums, eugenic marriages, and many other fads and fancies intended to increase the power and the emoluments of the medical doctors, are being forced upon unwilling victims by the enactment of unjust and unnecessary laws and by rules and regulations of the National Public Health Service and State and county boards of health. It is an intolerable condition that is meeting with earnest and determined opposition on the part of people who believe in personal liberty.

The strictures upon the so-called political doctors are fully justified by some of their methods and the means to which they have resorted to satisfy their selfish desire to maintain and strengthen their hold on deluded people who depend on medical doctors for the healing of sickness and disease. They have sought to obtain laws and make health regulations that would place the school and the home, as well as private practice, completely under their control and domination. They make the false cry that others are seeking vicious legislation, and maintain that all physicians of their school should unite to prevent the making of such laws, when they are the only people who are seeking such laws as will give them a monopoly of healing and at the same time make it unlawful for anyone else to engage in any such practice. Their object is not to serve the public good but to preserve their hold on the people and maintain their profits. They have seen other means of healing extending to a degree that is destined to ruin their practice and destroy the influence and power of the "regular doctors." They are striving by every possible means to hold their people together, and thus destroy all others who seek, by other means than their own, to heal disease. Above all things they want the help of the lawmaking departments of State and Nation. To obtain it they bring to bear wherever possible the influence of teachers and educational bodies, civic organizations, women's clubs, and any others they can reach. In this they have sometimes failed, but too often they have succeeded. Legislative bodies have been subservient to their schemes altogether too often. The National Government with all its power and influence is supporting their efforts and supplying over \$20,000,000 a year to these same "regular doctors" to spend as they see fit. In some of the States the practice of other methods of healing is made a criminal offense through the machinations of these same doctors. In others it is made a criminal offense for a Christian Scientist to charge a fee for healing disease in his way. Of course, the doctors, who alone have secured the enactment of these prohibitory laws, care nothing about whether these practitioners charge or accept a fee or not. The sole object of such laws is to prevent them from practicing at all.

The two great States of New York and Ohio, where hundreds of healings by this means—many of them of diseases pronounced incurable by these same doctors—have been effected, are to-day disgraced by laws of this kind. Just lately, in New York, a Christian Science practitioner, regularly engaged in Christian Science healing, has been convicted of accepting fees from his patients who were glad to pay for his services, and sentenced to be punished as a criminal. Such laws are so manifestly



unjust that juries have almost universally refused to convict for violation of them. This was so subversive of liberty and justice that the legislature of the State passed a law in effect repealing it, but at the instance of the doctors the governor vetoed the bill.

Now, Mr. President, let us consider for a moment how such pernicious and unjust laws are obtained. The situation is pretty clearly shown by the following letter bearing date of June 28, 1912, sent out presumably to all "regular" doctors in the State of Illinois. It is prefaced by the appeal, "Please read every word":

DEAR DOCTOR: Do you realize that the great number of the benefit societies in England, together with the new Lloyd-George benefit bill, have so cheapened medical services that there are now only half a million of the population of England who need pay more than \$1.50 each per year for such services? This means ruin to a large number of physicians.

Do you realize that in Austria, Germany, and France, as well as in England, pauperization of the medical profession has become a veritable curse; that it has become necessary for the doctors to organize into medical protective leagues in sheer defense of their means of existence?

Do you realize that all over Europe the rising tide of State socialism, the blighting hand of fraternalism, the innumerable hospitals and clinics for free care of the sick, the multiplication of friendly societies all help serve to keep down the natural increase of the profession and keep those in it poor?

Do you realize that the spread and popularity of quackish medical fads is more prevalent than ever; that in America 50 new cults have arisen in the last 10 years, many of them practicing the healing art in some form, and many of them having grown at tremendous speed at the expense of the regular schools of medicine?

Do you realize the importance of the above? In Germany laws against quackery were stringent and effective in the early part of the nineteenth century. In 1869, at the instance of the Medical Society of Berlin, the laws were very much relaxed. The result was a tremendous development of quackery in Germany. In Berlin the number of quacks increased from 28 in 1869 to over 1,000 in 1893. The whole number practicing in Prussia was over 5,000. In 1896 it was estimated the number of quacks in Prussia was 10,000, and the scope of their practice had become unlimited. In certain districts the number of quacks outnumbered the qualified practitioners two to one. The unqualified practitioners are regularly organized and have schools and institutions providing for a four months' course for quacks; there are over 800 societies for study of "natural healing," with a total membership of 112,000; there are over 50 periodicals with millions of circulation.

Do you realize that the average income of the doctor in America has been placed by many competent authorities at about \$700 per year, or \$2 per day; that economic conditions here are not as favorable to-day as they were 20, 10, and even 5 years ago; that the earnings of a large proportion of the profession are less than that of organized labor; that the abuse of medical charity, as practiced in our hospitals and dispensaries, is a powerful factor operating to reduce the physician's income; that competition is becoming rife; that sanitation and preventive medicine is reducing disease materially; that hygiene, not medicine, is the slogan of the day; last, but not least, the work of the doctor is to be finally eliminated by being absorbed as a function of the State, as evidenced by the fact that the State is continually encroaching upon the work of the profession? It no longer confines itself to its legitimate and original sphere of enforcing the laws of sanitation and hygiene or of assisting physicians in the diagnosis by laboratory tests, etc. It has become in more than one way a privileged competitor of the physician in private practice. It has practically, if not legally, taken from him nearly all cases of vaccination. It not only opens up dispensaries, but even sends out physicians and nurses to the bedside of patients without taking any more trouble to eliminate (sic) the bestowal of such public charity on the really poor than do hospitals or dispensaries.

We realize, of course, after digesting the above that medicine as a livelihood has arrived at the most critical period of its existence. The economical status and outlook of the profession is nothing if not pitiful. The very existence of the doctor is at stake; survival of the fittest is the issue of the day.

Do you not realize that it is time for physicians to be up and doing; that by cooperation and cohesion the profession should enter an earnest and vigorous protest against all unwarrantable encroachments affecting economic conditions and circumstances under which physicians have to make a livelihood?

The needs and advantages of cooperation are obvious. The abuses herein enumerated will grow in importance and the profession will continue to be underpaid unless we organize and cooperate our efforts for mutual protection. In correcting abuses which confront the profession we must learn a lesson from the captains of industry, as well as from laborers and other fields of endeavor, who have learned that it is necessary to combine and cooperate.

Only physicians, it seems, are foolish enough to expect that they can fight the battle as individuals. The sooner the better for the profession when all are brought to a realization that the day of purely individual self-help against the many unfavorable conditions under which they are compelled to practice their profession is over.

(I may say in parentheses that these worthy doctors seem to have overlooked the American Medical Association, one of the strongest organizations in the country, and the hundreds of State, county, and city organizations of doctors.)

This point is well illustrated in England, where the national insurance bill has done one thing which seemed previously impossible—that is, completely united the medical profession, the union being to resist the obnoxious portions of the national insurance act. When the bill was first promulgated nothing was done. Now that it is seen that the system of contract practice is not only an evil but a weak point in the profession's organized resistance against the act, the British Medical Association has made a bold move and attacked the whole contract system. A defense fund is being established for the purpose of compensating physicians who may lose by resigning from their society appointments. Contributions of \$50 are being solicited from each member of the profession.

By way of illustrating the difficulties encountered in trying to prevent the passage of vicious medical legislation, the lawmakers tell us that the medical profession is unorganized; that as a voting unit it is of little or any value, for the reason that the average doctor takes no interest in public affairs; that he will not go to the primaries; that the majority don't even take the trouble to vote on election day.

At every session of the legislature an attempt is made to pass special medical legislation sectarian in nature, the object of which is to secure the right for certain cults to break into the medical profession by a cheap and short-cut route, and at a standard of medical education lower than those already in the field. Powerful and financial influences are always operating to exact these measures into law.

In order to overcome the impression that the profession is unorganized, and in order to overcome the disrespect in which we are held by the lawmakers, it becomes at once apparent that in order to do effective work in preventing vicious legislation there should be an organization representing the whole profession, and that this organization should have the earnest cooperation and support of every licensed physician.

Such an organization would quickly bring every physician to a thorough realization of his rights, privileges, and power for safeguarding his own vital interests as well as the interests of the community. The medical profession in Illinois, comprising 11,000 members, could, if organized, put any just law it wanted on the statute books, as well as defeat any attempt to pass vicious medical legislation.

The public relations committee of the Chicago Medical Society is trying to familiarize the profession with the true status of affairs and help correct the apathy of individuals toward their own interests. This can best be brought about by reputable physicians like you joining the organization and working in harmony for one common end. The enormity of the task of safeguarding the interests of the individual member necessitates the heartiest cooperation of every physician in Chicago with the public relations committee, and we ask you to join us in our effort.

We are inclosing you a blank, which you will please fill out with the indorsement of two members of the Chicago Medical Society; or if you do not know who are members of the society, send a blank to the public relations committee, and we will get indorsers for you from your branch.

Make the check payable to the Chicago Medical Society. We will immediately forward it to the committee on membership and have your name passed upon at the next meeting of the council.

the hands of monopoly-seeking doctors without the consent of the parent or guardian will result in burdening the taxpayers with an ever-increasing army of State-paid political doctors.

The majority of doctors appointed as medical inspectors are incompetents who are unable to establish a practice for themselves. They receive the appointment through political influence without inquiry as to fitness for the place. The main qualification required of them is that they have political "pull." This is the class of doctors who go into our public schools and experiment upon children at the taxpayers' expense and without the consent of the children's parents.

Compulsory medical inspection of school children is intended by its self-seeking promoters to secure places for an ever-increasing army of State-supported doctors, who are seeking to establish by legislative enactment a monopoly of medical practice. Compulsory medical inspection of schools, if attained, will be toward the establishment of State medicine, which would be a greater evil than State religion.

The American Medical Association aims to establish a medical hierarchy which shall control the people from birth to death.

The bureaucratic rule which it hopes to secure in the National Government is un-American in principle and despotic in spirit. It is monopolistic and tyrannical in the most offensive sense of those terms.

The conscience-guided American citizen is resolutely opposed to the encroachment of the privilege-seeking advocate of State medicine. The American people are opposed to both State medicine and State religion; also to the policy of extending special privilege to any sect in religion, medicine, or philosophy.

Mr. President, the strenuous efforts that are being made to establish a monopoly in the healing of disease are attributed almost entirely to a certain class of doctors belonging to the American Medical Association, often referred to as "political doctors." It is understood by everybody that there is no public demand for any of the legislation having for its purpose the exaltation and continuance in power of one school of medicine and the exclusion of all other modes of healing, and that it is a selfish effort on the part of some, not nearly all, of that school to benefit themselves without regard to the needs of the general public.

Objection to the monopolistic methods of the association has not been confined to outsiders. Some of its members have protested loudly against the unjust and suicidal course it has taken. One of the most persistent of these is Dr. G. Frank Lydston, of Chicago. I am convinced from the information I have obtained that Dr. Lydston is a physician of ability and standing and a man of high character and strict integrity. I understand that he is personally known to more than one Member of this body, who will vouch for his standing as a man and a physician. I am about to quote from a pamphlet of which Dr. Lydston is the author. It was published in February, 1913. It is entitled, "*A Privileged Medical Class—The Latest Move of Medical Trust Monopoly—A Warning to the Profession, the Public, and Especially to State Legislatures and Medical Examining Boards.*"

As this pamphlet relates mainly to the manipulations of the American Medical Association to obtain control of the Medical Reserve Corps, the doctor's warning should have been extended to Congress. I now call the contents of this pamphlet to the particular attention of the Committee on Military Affairs of the Senate. It should move that committee to investigate conditions in the War Department relating to the Medical Reserve Corps.

He says:

The attempt by certain medical monopolists to "corner" everything pertaining to medicine and surgery in the United States is so flagrant



that it is marvelous that the rank and file of the profession does not wake up. Medical schools, health boards, medical journalism, medical publishing, medical advertising, medical appointments of all kinds—the medical octopus is after them all, and is likely to get them all while the profession sleeps.

One might suppose that the Medical Department, United States Army, could not be made the playground of the medical octopus. Not so, however. In the near future I shall prove to the citizens of this country that the Medical Department of the Army is dominated by and subverted to the base uses of the dominant American ring of medical politicians. I ask the profession to read and carefully weigh the proof which I shall later submit.

I shall herein limit myself to the presentation of as pretty a little scheme of professional graft as ever has been sprung upon an unsuspecting public and long-suffering profession. I refer to the establishment of a privileged class from the Army, Navy, and Marine Hospital medical services and the proposed attempt to add to this class the Medical Reserve Corps, United States Army, and to further extend the privileges of all of these branches of the Government medical services.

The Medical Reserve Corps, United States Army, was a scheme of the medical octopus, by which it proposed—

1. To get its tentacles onto the Army, and thereby creep close to the throne in Washington.

2. To get more political influence through the large numbers and wide ramifications of the corps and more power by having more bribes to dispense wherewith to win satellites and prestige. As I will prove in a paper now in preparation, it has done these things most effectually.

The first batch of appointees to the Medical Reserve Corps of Chicago comprised the editor-manager-boss of the American Medical Association and 12 of his official family, only 1 of whom had ever worn any uniform save the "collar" of the American Medical Association. Every local official of the American Medical Association is now in the Medical Reserve Corps Association of Chicago, which numbers 112 members, to say nothing of members at large who have not joined the association. The first president of the Illinois division of the reserve corps was an ex-president and ex-treasurer of the American Medical Association. Its present vice president is a paid employee of the American Medical Association. What prevails here is duplicated in every State in the Union.

As to the personnel of the Illinois Reserve Corps Association, its roster contains the names of the following: The editor-manager-boss of the American Medical Association, two ex-presidents of the American Medical Association (one a former treasurer of the American Medical Association), the assistant secretary of the American Medical Association, the local trustee of the American Medical Association, two associate editors of the American Medical Association, a former trustee of the American Medical Association, two editors of subsidiary journals of the American Medical Association, the chairman of the committee of public health of the American Medical Association, the chairman of the committee on education of the American Medical Association, and ex-chairmen galore, a member of the council of chemistry and pharmacy, American Medical Association, three secretaries of sections, American Medical Association. In brief, every Chicago member of the oligarchic ring, and practically every one of its satellites is in the Illinois Reserve Corps Association.

Commissions in the reserve corps are supposed to be issued after a rigid examination. The majority of the Chicago contingent were not examined at all—not even physically. Any examination which may have been given in most cases was a farce. So far as I can ascertain, only two were examined as is pretended to be prescribed by law, and these gentlemen were not examined in Chicago. The "examining board" in most cases was a single Army medical officer, and the examination essentially consisted of "How do you do? What is your name? Good day."

N. B.—Part 14, Manual for the Medical Department, United States Army, provides for an examination for the Medical Reserve Corps, as follows:

"MEDICAL RESERVE CORPS.

"(b) The statement and certificate having been given and the diploma submitted, the board will then make a thorough physical examination of the applicant, which must conform in all respects to that required of candidates for commission in the Medical Corps. (Par. 5a.)

"If any physical disqualification for the service is found the examination will be discontinued. The findings and action of the board will be reported on Form 145a, modified to suit the case.

"(c) The applicant having been found physically qualified the board will next proceed with his professional examination in the following subjects:

"Practice of medicine, surgery, obstetrics and gynecology, and hygiene. This examination will be oral and sufficiently comprehensive to determine whether, in the opinion of the board, the applicant is qualified to practice his profession under the usual conditions of the military service. Should the oral examination in any subject be unsatisfactory, the applicant may be required to take a written examination therein."

The profession will kindly notice the "jokers" in sections (b) and (c). Most astounding. A report "modified to suit the case." An examination for an Army commission which, it is claimed, should give a man the right to obtain without examination a license to practice in any State in the Union.

What has all this to do with the establishment of a privileged class? Read the following letter from Dr. Lewis and the official reply to an inquiry which he made of the Surgeon General, United States Army:

CHICAGO, ILL., January 10, 1913.

DEAR DR. LYDSTON: In answer to your letter of December 15, asking me for information relative to the "license" status of the members of the Medical Reserve Corps, I beg leave to submit the answer of the Surgeon General to my query. Relative to your questions as to the examinations for the Medical Reserve Corps I will state that I, and many others within my knowledge, were not required to pass an examination of any kind.

Very truly,

HENRY F. LEWIS, M. D.,  
First Lieutenant Medical Reserve Corps,  
United States Army.

Upon what meat do our military medical Cæsars feed that they have grown so great that they should be exempt from medical-practice laws to which even gray-haired professors must submit?

The American Medical Association medical reserve corps can not "put anything over" in Illinois under the present State board of health, for a very peculiar reason—the president of the board, Dr. George W. Webster, understands the situation, as the following correspondence shows:

CHICAGO, ILL., December 14, 1912.

DR. GEORGE W. WEBSTER,  
32 North State Street, Chicago.

MY DEAR DR. WEBSTER: I am interested in the method of formation of the Medical Reserve Corps, United States Army. As you are a member of said corps, I take the liberty of asking you the following questions, which I trust you may do me the courtesy of answering:

1. Who constituted the board which examined you for the Reserve Corps?

2. Were you submitted to a physical examination; and if so, what was the nature of said examination?

3. If a physical examination was made, was same made a matter of record?

4. Were you examined in medicine and surgery? If so, what was the nature of said examination and in what subjects were you examined?

5. Was the examination oral or written?

6. Was a record made of your examination and markings?

Trusting that you may see fit to give me an early reply to the foregoing query, I am,

Very fraternally,

G. FRANK LYDSTON.

Answer:

DEAR DR. LYDSTON: I was not required to take either a medical or a physical examination.

Very sincerely,

GEO. W. WEBSTER.

My associate, Dr. B. S. Rogers, major and surgeon, Second Infantry Illinois National Guard, informs me that he also was not submitted to examination. I wrote to a number of others who had informed me that they were not submitted to any examination, but received no reply. One gentleman who had already told me the facts called me up by phone and said that he did not care to go on record, as he was "afraid the bunch would get him" if he did. Two others, who had already told me the facts, also begged off on the ground that if they went on record it "might hurt their business." Is it not about time that the evil system which is sapping the manhood of the American doctor was overthrown?

The following rule bears upon the method of applying for admission to the Reserve Corps, United States Army:

75560—14369



"Permission to appear before the board is obtained by letter to The Adjutant General of the Army, which must be in the handwriting of the applicant, giving the date and place of his birth and the place and State of which he is a permanent resident. He must also furnish certificates based on personal acquaintanceship, character, and habit."

This is a huge joke. The method followed in Chicago was the selection by the A. M. A. ring of names "acceptable" to themselves. No one who was persona non grata to the oligarchy ever had an opportunity to submit an application in writing. Applications were made and acted on where the alleged "applicant" was ignorant of both the application and the action taken upon it.

One of the requirements for admission to the Medical Reserve Corps of the Army pertains to the applicant's age, as follows: "An applicant for appointment in the Medical Reserve Corps must be between 22 and 45 years of age."

N. B.—Nearly 70 of the 112 members of the Chicago association are above the age limit.

The Medical Reserve Corps, United States Army, as at present constituted is a farce and merely a kitchen for the medicopolitical trust monopoly—a kitchen in which to prepare its scheme of graft, power, revenge, and politics. Graft is the acquirement of money, honors, property, or any emolument without giving the quid pro quo. That the Medical Reserve Corps, United States Army, is used for political purposes I will prove later. When the Medical Department of the Army is used by medical politicians for their own private ends it is time for the great American citizen and the apathetic American doctor to "sit up and take notice." That this has been done, and that the Medical Department of the Army is at present under the control of the octopus, I will shortly demonstrate beyond peradventure of doubt. I am curious to see whether the rank and file of the profession believe in the methods of the men who are trying to dominate and monopolize American medicine. I am still more curious to learn whether or not the rank and file really like to have their rights as American citizens trampled on.

If there are to be any special privileges, why not have a competitive examination and give everybody a chance? Is the Medical Reserve Corps, United States Army, to be the only department of the medical service to which only the politically chosen few can be appointed, and after a fake examination or without any examination? And why not give the preference to men of military experience rather than to obstetricians, neurologists, pedisticians, ophthalmologists, and gynecologists? Military experience and a knowledge of military surgery are not mentioned in the examination requirements.

It remains to be seen whether the new administration will approve of the Medical Department of the Army being made a kitchen for medical politics.

What about the woman doctor? What provisions has the medicopolitical gang that is running the Medical Department of the Army made for her? What special privilege is to be provided for her? She can not join the Army, Navy, or Marine Hospital Service, nor even the Medical Reserve Corps. Possibly the medical Cabinet officer whom we are to have when the gang acquires complete control of medical matters in the United States is to be a woman. Let us hope so. The situation will require some features of redemption. I would suggest that the female suffragists give this matter due consideration.

Then there is the homeopath—he and his clientele vote, own property, and pay taxes. His school is recognized as legal. What special privileges is the homeopath to have? How many homeopaths are there in the medical service of the Government, particularly in the Medical Reserve Corps? If the homeopath is not eligible to the Government medical service or to the Medical Reserve Corps, he can not become one of the specially privileged licensed to practice without examination class; but something should be done for him. Possibly positions on the proposed Federal bureau of health will be reserved for him. The all-hog A. M. A. ring is noted for its fair play.

N. B.—There are about 1,200 Medical Reserve Corps men already appointed. The number is not limited by law. There are some 150 in Chicago and 250 in New York alone. As these men are all bound to the A. M. A. ring by political hooks of steel, the gang has an organization in each State which gives the A. M. A. a powerful grip in Washington.

Do the privileged medical class and medical monopoly accord with the principles of democracy and the spirit of true American citizenship?

In conclusion, I would ask the medical officers of the Army how they like the placing of the farcical Medical Reserve Corps on the same plane with themselves? Do they approve of the Surgeon General's A. M. A. political scheme? Do they really believe that even they themselves

should enjoy special privileges—privileges denied to other medical men? If so, why?

Of this much Washington may be assured, viz: Behind the protest which I have made herewith will stand several million fair-minded American citizens and every physician in this country, in or outside the A. M. A., who is not a beneficiary of medical trust politics. The new administration would do well to count these men before passing on what I have herewith submitted.

Let the profession remember what I have said over and over again, viz, the octopus is trying to monopolize health boards, including a Federal bureau of health, medical schools, medical journals, and medical publishing and advertising, hospitals, all public offices, the medical department of the Army—and now comes the proposed monopoly of operative surgery. Who are at the head of the trust? Read Munsey's Magazine for February, 1913.

Mr. President, the view taken by some of the leading women of the country of the efforts of the American Medical Association to secure the kind of legislation I am considering will be shown by the following extracts from the clear, logical, and forceful letter written by Mrs. Lydia Avery Coonley-Ward to the first division of the Federation of Women's Clubs of Illinois:

In saying what I think of this bill I shall make assertions that only duty could compel, but I shall say nothing that can not be substantiated.

The movement for new medical legislation was instigated and is maintained by the American Medical Association, a powerful trust. Many excellent people have interested themselves in it, but its motive was political. So dangerous were the plans, so specious the claims, so insidious the action that the National League for Medical Freedom was formed in opposition to this and kindred efforts, and its rapidly growing ranks have been recruited from every State until it has over 300,000 members, 21,000 of those being in Illinois. This league has been bitterly opposed and grossly maligned, but its members are devoted to public welfare and untrammelled by commercial interests. They do not in the least oppose laws for public health and sanitation, but they do oppose the efforts to force class legislation and the subjection of the people to a medical system.

I do not question the honesty of many who favor the Owen bill, but I do assert that its instigation and maintenance by a powerful trust are not to its credit, and should prevent acceptance of its statements without careful examination.

When Senator OWEN disclaims the intention of fortifying one school of medicine, we submit that evidence of close relations with the American Medical Association invalidates the claim. From the first Marine Hospital report issued 40 years ago, only the allopathic school has been recognized. Ncr has the charge been denied, made on the floor of the Senate more than a year ago, that of the 7,000 doctors in Government employ every one is an allopath. The Government has no more right to be sectarian in medicine than in religion.

But for interested support this propaganda would never have gained prominence. The demand for a national bureau of health has been artificially created. Women's clubs have been besieged by humanitarian arguments and pleas for home and child conservation—interests dear to every woman's heart—and many have been won by specious arguments that will not bear the light of truth.

The bill was so obnoxious in the beginning that its friends amended it, and even then it failed. As it now stands it has no real use, but is designed as an entering wedge. "It will be followed up until we get what we want" has been frankly said. Let us try to find what "we" want. The bill contemplates the absorption of many bureaus, but excludes the medical departments of Army and Navy. The first bill would have included them, but they absolutely refused to be merged and were too strong politically to be antagonized. When asked why bureaus that would naturally be first to join the national bureau are not molested, Senator OWEN said that it would probably be impossible to pass the bill with the hostility of the medical service of the Army and Navy. But why should there be hostility to a bill essential to the well-being of the Nation? Their opposition is suggestive, to say the least.

I ask if we as women dare to further these unworthy ambitions? Our definite aim is to promote purity of motive as well as of action. Let us beware of the disguises in which the Owen bill is wrapped.

Great weight is laid on the impression that the medical profession at large considers this bill in the interest of the public health, whereas it is only one school that so considers it. The national associations of every other prominent school are on record against it. Are all other schools without concern in public welfare, excepting only the one that is to benefit by this legislation? Those who believe that under this bill power would not be concentrated in the old school should consider the experience of President Taft. An order for the Canal Zone, drawn by the interests that push the Owen bill, was presented for his signature. Believing it as harmless as it seemed, he signed it, thereby prohibiting the practice of medicine in the zone without a license from the allopathic board of health on pain of fine or imprisonment. The President was forced to the mortifying necessity of modifying the bill, but even now all other schools are at the mercy of "the regulars."

We are all glad to admit that excellent work has been done in the Canal Zone, but we believe that its value is of a purely practical and sanitary kind—good housekeeping rather than the use of serums and drugs, regarding which there is fundamental difference of opinion among the several schools of medicine. There is no difference of opinion regarding the efficacy of the laws of sanitation. What they have done in the zone they can do in the United States just as well, and no further legislation is needed to this end.

In the beginning Prof. Fisher wrote to a physician asking for a generous contribution to push the new bureau, saying that it is a project that "will surely expand within a decade so that millions upon millions of Government money" will be at its service. This alone should make women pause before risking their reputation for economical management. With vast expenditures this bill would bring politics into medicine and medicine into politics. Only last year an unwary member of a western legislature presented a bill proposing a tax of 50 cents a month on every family in the State for the services of a government-appointed doctor, and it came very near passing. Perhaps if it had had the indorsement of the women's clubs of the State it might have passed. Yet it was simply a bolder effort in the direction of the Owen bill. Why should women advocate centralization at Washington when an effort at this moment is being made to prevent the exploitation of taxpayers by keeping things in local hands?

Shall we not hesitate before trying to add to burdens already oppressive the "millions upon millions" the passage of the Owen bill predicts? We should make sure that the present comparatively economical management is ineffective before putting enormous financial power into unknown hands at Washington.

In a matter as tremendously important as this each woman should inform herself personally before voting, and if each makes examination of the facts I am sure indorsement will never follow.

I know of a committee appointed by a club to examine and report upon this bill. The acceptance of a place on an investigating committee presupposes impartiality—an open mind—without opinions formed in advance. By request three eminent health authorities appeared before this committee, and yet, although two of them opposed the bill, the committee advised the club to indorse it. There should be assurance in advance that a case like this is not prejudged. Its members ought to be as impartial as jurors are required to be.

Because I believe from my heart these things that I have written I beg that our clubs will not indorse the Owen bill or any similar measure creating a national department of health or extending the present health powers of the Federal Government.

Mr. President, this is only one of the many cases where the doctors have endeavored to secure the powerful influence of women's clubs to bring about the passage of laws in their own interests. In many cases indorsements have been obtained from such clubs by unwarranted statements and appeals to women's natural sympathies for any effort that is understood to be for the public good, especially where they are made to believe that the health of the children is to be preserved by that means.

But an inquiry into the motives that impel action on the part of the doctors and the objects they have in view will prevent all good women from supporting such proposed legislation. Most of the effort is to procure legislation that will put the "regular" doctors in control of all medical and other healing activities.



### . Serum Remedies.

The doctors have conceived the idea that every disease is caused by some disease germ or microbe, and that there is some remedial health germ that will destroy it and thereby restore the patient to health. So they have been hunting about, first, to find the particular disease germ that produces each ailment. They have vivisected animals and prospected the bodies of dead human and animal beings for enlightenment along these microbe lines. They have not stopped there. Live children who are unfortunate enough to be without protection from their inhuman explorations have been made the victims of their search for information about disease germs and the means of their destruction. Their endeavors have led to the most fantastic theories and the most loathsome remedies for disease germs. The vile concoctions that have been and are being injected and poured into human bodies, often causing disease and suffering even unto death, is appalling. No one knows whether any of the serums and other like remedies devised by the doctors as a result of their theories about disease germs have ever healed a single disease or prevented it. But it is known beyond the possibility of doubt that thousands of people, many of them innocent and helpless children, have been killed and thousands of others inoculated with loathsome diseases by their use. Whether they heal or prevent disease or not is a matter of sheer speculation, not knowledge. A serum is administered and a patient gets well. Whether it was because of the serum or in spite of it no one can tell. But if the patient dies suddenly after the administration of the drug, with all the symptoms of poisoning, the cause and the result is too apparent to be doubted. Then, all kinds of excuses are made for the fearful consequences of a doctor's fatal blunder. Serums are forced on whole armies and navies and on school children, from which fearful deaths occur. The epidemic of disease that is feared does not occur. But who knows whether its failure to occur was the result of the administration of the drug?

Sometimes the serum is administered, and the much-feared epidemic of disease does come, and the people who were inoculated sicken and die like all the rest. And, then, what? Oh, there was something wrong with the virus or serum. But who knows? We go on experimenting and risking our lives and our health at the dictation of the doctors, the command of the military and naval officers, and in obedience to cruel and inhuman laws upon the mere theories and speculations of the doctors. We surrender the lives of our children to the experimentations of these men who have utterly failed to heal disease by the methods they have resorted to for centuries and are trying out other remedies equally futile and none the less destructive to health and life. And the people are compelled by law and health regulations to submit to be slaughtered by these loathsome alleged remedies, whether they will or not. The most ruthless enforcement of these remedies will be found in the Army and Navy. Officers of these departments have been made to believe that such remedies are necessary to prevent the spread of diseases supposed to be infectious. To prevent this they require every soldier and sailor to submit to be inoculated with the various serums that are supposed to prevent certain diseases.

Their bodies are made receptacles of these foul and unhealthy concoctions. A conspicuous case of the kind came to my knowledge a short time ago that will serve to lay before the Senate the practice which prevails in the Army and Navy in the enforced administration of such remedies:

Joseph Kapsa was a gunner's mate on one of our war ships. He was a Christian Scientist, and conscientiously opposed to taking drugs. The Navy Department promulgated an order that all men in the naval service must be inoculated with a serum supposed to prevent typhoid fever. Kapsa explained what his beliefs and convictions were, and asked to be relieved from complying with the order. His request was refused. He then refused to submit to the treatment. He was tried and convicted of disobedience to orders and sentenced to two years' imprisonment and a dishonorable discharge. He was sent to prison, and there, again, the rules of the prison required him to take the treatment. His attorney at his trial appealed to me to intercede for him when he was first convicted. His punishment was reduced by order of the then Secretary of the Navy to one year's imprisonment and a dishonorable discharge. There is no better way to lay the Kapsa case before the Senate than to submit the naval order and the correspondence that took place between the Secretary of the Navy and me, and others, on the subject. It is as follows:

[General Order No. 133.]

NAVY DEPARTMENT,  
Washington, D. C., December 1, 1911.

First. As soon as practicable after the receipt of this order typhoid prophylactic will be administered to all officers and enlisted men of the Navy and Marine Corps under the age of 45 years who have not already received it or who have not already had a well-defined case of typhoid fever. Officers and enlisted men on leave or on duty where no medical officer is available will receive the typhoid prophylactic upon their arrival at the first station where this measure is practicable.

Second. Typhoid prophylactic will be administered to all recruits under 45 years of age immediately upon their arrival at a training station, receiving ship, or marine recruit depot. This applies to all men reenlisting who have not received the prophylactic treatment within two years previously or had a well-defined case of typhoid fever; in case of doubt the prophylactic will be administered. Every applicant for enlistment in the Navy or Marine Corps will be informed that he must submit to typhoid prophylaxis and unless he agrees to acquiesce in this procedure he will not be considered eligible for enlistment.

Third. Typhoid prophylaxis must be regarded as a supplemental safeguard and under no circumstances will the usual sanitary precautions be modified or set aside.

Fourth. The antityphoid serum should be obtained from the Bureau of Medicine and Surgery by telegraphic or written request.

G. V. L. MEYER,  
Secretary of the Navy.

MAY 28, 1912.

MY DEAR MR. SECRETARY: I am inclosing you a letter from Mr. Ralph K. Jacobs, relating to the court-martial of John Joseph Kapsa, gunner's mate, first class, United States Navy, May 20, 1912.

The letter explains clearly the conditions under which this young man was convicted. I can not refrain from expressing my utter astonishment that a court-martial composed of American naval officers should have imposed such a punishment under the circumstances. The question may soon have to be tested whether the Navy Department can violate the conscientious religious convictions of its enlisted men by such order as was made in this instance.

But I am not writing to you now to raise any question of that kind, although I may be impelled to do so later. The judge advocate has magnanimously reduced the imprisonment of this young man one year, which leaves standing the order depriving him of pay and discharging



him dishonorably from the service at the end of his imprisonment. That is to say, he is to be dishonorably discharged a year earlier than under the original sentence.

I think this man acted unwisely. If he were an officer, having the right to resign, he could have satisfied his conscience by resigning his position; but in his case this could not be done. He must either submit or take the punishment. In one case that has come to my knowledge and about which I wrote you earlier an enlisted seaman, under exactly the same conditions, was not imprisoned but was given an undesirable discharge. Such a sentence might be justified, but the one rendered against this man is utterly unjustifiable from any point of view. If his conscientious scruples prevented him from accepting the treatment, he should have expected that he would be discharged from the service. I have so advised a number of Christian Scientists who were likely to be placed in the same situation. The result of it will be that Christian Scientists, who, I imagine, make as good seamen as you have in the Navy, will be deprived of their right to enlist because of the orders requiring the kind of treatment that was proposed in this case and which is obnoxious, not only to Christian Scientists but to thousands of other good people in this country, and all of those now in the service will be compelled to waive their conscientious religious scruples and accept the treatment or undergo such punishment as was inflicted in this case or some greater or less punishment, according to the views of the particular officials composing the court-martial in a given case.

I submit to you, with all due respect, whether some conclusion should not be arrived at by which cases of this kind could be disposed of and Christian Scientists who prefer that course should be allowed to accept an undesirable discharge, which is certainly bad enough and unjust enough, rather than undergo imprisonment where the refusal is not willful, but grounded upon their conscientious convictions? In this instance I understand Kapsa prefers to receive an undesirable discharge or a dishonorable one rather than waive his convictions, although he has made a good seaman and is anxious to remain in the service.

Under these circumstances I appeal to you for such degree of clemency in his case as you may feel to be just in the interest of the public service. I think it must be seen by any just-minded man that the service can not be benefited by the infliction of such punishment as has been imposed in this case. Religious persecution has never yet aided in accomplishing results. It will simply bring about the feeling of resentment which will do much more harm than good. For myself I do not desire to see this condition of mind brought about. I should prefer to see Christian Scientists denied the right to participate in the public service because of their religious convictions—the injustice of which must be apparent to anyone—rather than have them punished as this man was punished, which must arouse the strongest indignation and protest not only from Christian Scientists but from all just-minded people.

Sincerely yours,

JOHN D. WORKS,  
United States Senator.

Hon. G. VON L. MEYER,  
Secretary of the Navy, Washington, D. C.

DEPARTMENT OF THE NAVY,  
Washington, June 24, 1912.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, together with the letter from Mr. Ralph K. Jacobs, relating to the general court-martial of Joseph J. Kapsa, seaman, United States Navy.

Mr. Jacobs acted as counsel for Kapsa at his trial and there urged as a defense that the department's General Order No. 133 of December 1, 1911, is illegal in that it violated the constitutional rights of the accused, and that the direct order of Kapsa's commanding officer was also illegal. Mr. Jacobs, however, quoted no authorities or precedents in support of his contention. In his letter to you Mr. Jacobs does not insist upon his previous contention, but requests that you intervene for the purpose of securing clemency, stating in his letter: "My own belief is that since the department asks him to submit his body to treatment the case should stand on a par with those cases in which an enlisted man refused to undergo an operation which the naval surgeons say is necessary, in which case the man is discharged as undesirable." This statement of Mr. Jacobs is erroneous in that it fails to take notice of the distinction that is made between major and minor operations. The policy of the department is not to insist upon a major operation against the man's wishes, but the case is different in minor operations. The following is quoted from circular No.

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11, Adjutant General's office, War Department, of December 10, 1885, and shows that the policy of that department with respect to surgical operations is the same as that of the Navy Department:

"Except in the case of a capital operation involving risk of life, a soldier can not refuse to submit to medical treatment or surgical operation without subjecting himself to trial by court-martial for willfully avoiding treatment the purpose of which is to enable him to perform the duties for which he enlisted."

With regard to the severity of Kapsa's punishment I beg to invite your attention to the fact that the department has reduced Kapsa's sentence of imprisonment to one year's detention at the United States Naval Disciplinary Barracks, Port Royal, S. C. Detentioners are not considered as prisoners in the ordinary sense of the word, are not required to wear prison garb, and are not required to perform hard labor, being given such drills and instructions as will fit them for return to the service should they show a proper disposition to submit to discipline and so conduct themselves as to warrant special clemency being exercised in their behalf. Moreover, the department exercises clemency toward all detentioners by remitting one-third of the term of detention, provided their conduct while under detention is excellent. This in Kapsa's case would reduce his period of detention to eight months. It will therefore be seen that the punishment in his case is not a severe one, considering the very serious nature of his offense.

Referring to those matters which you urge in justification of Kapsa's offense, it may be remarked that a man's religious convictions can not legally justify his refusal to obey the law, or the regulations or orders, which are just as binding upon any person in the service. As stated by the Supreme Court of the United States in *Allgeyer v. Louisiana* (165 U. S., 578), a citizen "may be compelled, by force if need be, against his will and without regard to his personal wishes or his pecuniary interests, or even his religious convictions, to take his place in the ranks of the Army of his country and risk the chance of being shot down in its defense." It certainly would appear that when a man has voluntarily enlisted and bound himself by oath to obey the lawful orders of his superior officers he would have less justification in violating his oath and refusing to obey orders than would a man who is compelled by force to join the ranks of his country's forces, yet the Supreme Court, as above noted, states that religious convictions would not justify a man in disobedience in the latter case.

The question in this case, as in all others, which the department must bear in mind is the question of discipline. In considering the punishment this man is to receive, the department was not influenced by any desire to conduct a religious persecution, as you suggest, but solely to maintain discipline in the Navy. The department can not permit any officer or enlisted man of the Navy to repudiate his oath of office or enlistment on the grounds that he can not conscientiously comply with it in some one or more particular. Were the department to accept such a doctrine, there would be no more discipline in the Navy, for every man could then disobey orders with impunity, relying upon his alleged religious convictions as a justification for the violation of his oath of enlistment, and demanding a discharge whenever it might suit his convenience, on the grounds that his conscientious scruples would not permit of his submission to discipline. It would simply amount to an attempt to force upon the naval authorities the rules and regulations of other organizations, and to govern the Naval Establishment thereby. It might as well be said that a person in the naval service could justify his refusal to fire on the enemy when ordered so to do because to obey such an order would be contrary to the religious beliefs of the person so ordered.

In this connection, the following extract is quoted from Winthrop's *Military Law and Precedents*, 1896, page 890:

"Unjust or objectionable commands.—That the order was merely unjust or unreasonable would, it need hardly be added, constitute no defense to a charge of disobedience of orders under this article. *The plea that the order was opposed to the religious scruples of the accused and that he was therefore warranted in disregarding it is one which has been considerably discussed in England, where it was held wholly insufficient as a defense. It would of course be held equally untenable in our practice.*"

The department can not subscribe to the statement that any officer can refuse to obey a lawful order and resign, and have his resignation accepted. The department has the right, and has frequently exercised it, of refusing to accept an officer's resignation.

Referring to paragraph 2 of your letter, the order for court-martial was issued by the department itself after careful consideration of the

best interests of the service. It was an order which it was the duty of the commanding officer of the *Delaware* to see carried out. The department itself preferred the charge against Kapsa of refusing to obey the lawful order of his superior officer, and it was the duty of the naval officer who sat upon the court to make a finding in accord with the evidence adduced at the trial. Having arrived at a finding of "guilty," which was the only finding possible under the circumstances, it became the duty of the court to award a sentence adequate to the offense. The President of the United States established the limitations of punishments that a general court-martial may adjudge in time of peace, and the limitation so established by the President for the offense of refusing to obey the lawful order of a superior officer, as shown in the Navy Regulations for the past 12 years, has been imprisonment at hard labor for two years, corresponding forfeiture of pay, and dishonorable discharge.

If there are matters which appear to the court to warrant clemency, they can only be considered in connection with a recommendation to the reviewing authority that clemency be exercised in the particular case; but the court, as above stated, is required to adjudge an adequate punishment. Clemency was recommended by the court in this case to the reviewing authority—the department—and has been exercised, as previously explained.

The fact that Kapsa was a petty officer of experience is one reason why he should not escape punishment, as petty officers are expected to set a good example in the matter of discipline and obedience to men of inferior rating. The commanding officer of the *Delaware* gave Kapsa exceptional opportunities to reconsider his refusal to obey orders, but he deliberately and willfully continued in his disobedience, the fact was well known on board to all the crew of the ship, and discipline would have been at an end or seriously impaired on board that ship had he been permitted to escape with no punishment.

The department does not consider medical treatment administered to protect the health of the naval service as religious persecution; nor can it concede that any officer, even of the lowest rating, can claim the right to personally decide whether or not he will obey a lawful order. If the order is unlawful or illegal, of course no one can be compelled to obey it; but if it is a lawful order, it must be obeyed by all persons to whom it applies. General Order No. 133 was an order issued by the Navy Department itself and is considered a lawful order, and anyone in the naval service refusing to obey it renders himself liable to the penalties prescribed for the offense of refusing to obey the lawful order of his superior officer.

In order to demonstrate the efficacy of inoculation against typhoid fever and the necessity of prevention and precaution for the safety of the lives of the military forces, I inclose a copy of a statement of the Surgeon General of the Navy.

I should be very glad indeed if the circumstances of the case warranted further clemency than that previously mentioned, but regret, for the reasons stated, that the department would not be justified in permitting Kapsa to be simply discharged as undesirable and thereby escape punishment for the offense of which he was convicted.

Faithfully yours,

BEEKMAN WINTHROP,  
*Acting Secretary of the Navy.*

Hon. JOHN D. WORKS,  
*United States Senate, Washington, D. C.*  
(Inclosure.)

JUNE 29, 1912.

MY DEAR MR. SECRETARY: Referring again to the case of Joseph J. Kapsa, seaman, United States Navy, who was court-martialed for refusing to submit to serum treatment for typhoid fever and sentenced to a punishment that should shock the sense of justice of all men, and in response to the letter of the Acting Secretary of the Navy, in which he justifies the sentence in this case, I have this further to say:

The most of the Acting Secretary's letter is devoted to an effort to refute a claim that I did not make, namely, that Kapsa might disobey an order of the Secretary of the Navy because it conflicted with his religious convictions. Not only did I not make any such claim, but expressly waived it in my letter. I said further:

"If his conscientious scruples prevented him from accepting the treatment he should have expected that he would be discharged from the service. I have so advised a number of Christian Scientists who were likely to be placed in this same situation. The result of it will be that Christian Scientists, who, I imagine, make as good seamen



as you have in the Navy, will be deprived of their right to enlist because of the orders requiring the kind of treatment that was proposed in this case, and which is obnoxious not only to Christian Scientists but to thousands of other good people in this country and all of those now in the service will be compelled to waive their conscientious religious scruples and accept the treatment or undergo such punishment as was inflicted in this case or some greater or less punishment, according to the views of the particular officials composing the court-martial in a given case."

My letter, as the Acting Secretary must have understood, was not intended to justify Kapsa but to have the punishment reduced, at least sufficiently to commend it to a reasonable man as just. So my letter seems to have failed of its purpose. I said in the very beginning of my letter that I thought the man acted unwisely in refusing to submit to the treatment, however loathsome and objectionable it might be, notwithstanding his conscientious religious scruples. But I am not the keeper of his conscience. You are, and may force him to violate his conscientious religious convictions—quite as well founded as your own—or suffer punishment that from a religious point of view is persecution. Of course, this can not continue very long in a free and enlightened country.

Of course, as the Acting Secretary very justly contends, a subordinate in the service could not be allowed to question the order of his superiors unless the order was unconstitutional or void for some other reason. He could not say, as I do unhesitatingly, that the order was unreasonable, unjust, and unnecessary, and the enforcement of it a violation of his religious rights. To allow him to say what I am saying, conceding the legality of the order, however unreasonable and unjust it might be, would be insubordination. It would put an end to all discipline. But this, under the circumstances, could hardly justify or excuse a sentence as severe as the one enforced in this case.

If I believed that this treatment is either necessary or efficacious I should feel quite differently about it. Or if the doctors and others claiming to have some knowledge of the supposed effects of serum therapy were agreed about it I should say that the Navy Department was justified in forcing men who are in its power to submit to it. But alleged experts do not agree about it. Many of them maintain that it is not only very uncertain as to its beneficial effects but extremely dangerous in its use.

Sincerely yours,

JOHN D. WORKS,  
*United States Senator*

[Telegram.]

BROOKLYN, N. Y., July 3, 1912.

Hon. JOHN D. WORKS,  
*Washington, D. C.:*

Kapsa is about to be court-martialed again for refusing a second time to submit to vaccine treatment. At this rate he will be in jail all his life.

RALPH K. JACOBS,  
*215 Montague Street, Brooklyn, N. Y.*

UNITED STATES NAVAL DISCIPLINARY BARRACKS,  
*Port Royal, S. C., July 7, 1912.*

MR. JOHN WORKS,  
*United States Senate, Washington, D. C.*

SIR: I take pleasure in writing you a few lines to ask you for advice in my case, of which you were informed by Mr. Ralph K. Jacobs, of Brooklyn, N. Y.

I was court-martialed for refusing to submit to antitoxin treatment and received one year at hard labor, and was sent to Port Royal, S. C., to do my sentence.

Your letter to Mr. Meyer, it seems to me, did little good, and I would like to have you look into the matter and advise me.

I was sent for the other day and was asked to submit to the treatment by the doctor here at the disciplinary barracks, and informed him that I was doing a year at hard labor for refusing the treatment aboard the U. S. S. *Delaware*; but he informed me that it was orders to give the treatment to everyone that arrived here, and I was given to understand that I would have to take the treatment or I would be court-martialed again on another charge.

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Am I to be made a criminal, Mr. WORKS, because I do not believe in this treatment?

I am a citizen of the United States, and still I haven't the right of a citizen, and if I am tried again I will receive two more years to my sentence and be sent to another prison, where I will either have to submit to the treatment or receive another court-martial.

Mr. WORKS, I am writing to you because I know you to be just, and if it were known that I had written and appealed to you, I would be punished for it, as it is not permitted. Our mail is read when we receive any, and it is also read before we are permitted to send any, but I will try to get these few lines to you somehow and trust you will receive them.

I may not be able to write to you again, but hope you will do me justice and look into my matter and help me, if you possibly can, as I certainly do not care to spend my life in prison.

I will close now, thanking you in advance. I beg to remain,

Respectfully yours,

JOSEPH JULIUS KAPSA.

JULY 8, 1912.

Hon. GEORGE VON L. MEYER.

*Secretary of the Navy, Washington, D. C.*

MY DEAR MR. SECRETARY: I have received a telegram from Mr. Ralph K. Jacobs, of which the inclosed is a copy.

Will you kindly let me know if it is true that the Government proposes to court-martial this man continuously while he is in prison for refusing to accept the serum treatment, as indicated by this telegram, and particularly whether a court-martial has now been ordered?

Sincerely yours,

JOHN D. WORKS,  
*United States Senator.*

JULY 13, 1912.

Mr. JOSEPH J. KAPSA,

*United States Naval Disciplinary Barracks, Port Royal, S. C.*

MY DEAR MR. KAPSA: You write me for advice in your case. You first refused to submit to the treatment required by the order of the Secretary of the Navy for the prevention of typhoid fever. This was a clear case of disobedience. You did so for conscientious reasons, but a soldier or sailor can not set up his own convictions, religious or otherwise, against the orders of his superiors. I have been trying to secure clemency in your case for this offense on the ground that you acted in good faith and from religious convictions, but I was bound to admit that you could not escape the punishment for a violation of orders on any such ground. Now you are confronted with another order of the same kind, or perhaps the same one, requiring you to submit to the same treatment in your present position. My advice to you is to submit to this treatment without further objection. If you had asked me in advance I should have told you to submit to the first treatment. I believe thoroughly and conscientiously, just as you do, that this order is unreasonable and unjust, but neither the Army nor the Navy could exist for any length of time if the soldiers or sailors could refuse to obey orders on any such ground as that.

I understand that you are a Christian Scientist, as I am, and that you refused to submit to the treatment because we conscientiously believe that no such treatment should be imposed on anyone, and particularly people like ourselves, who are conscientiously opposed to such treatment. But Christian Scientists are law-abiding people. They believe thoroughly in not only obeying but in maintaining law and order under all circumstances. They may use their best endeavors to change the law, as I think every reasonable and proper effort should be made to change the order of the Navy Department inflicting this sort of treatment upon their unwilling men. But so long as the law exists it should be obeyed by Christian Scientists as well as by others, and in your case orders of the Secretary of the Navy, or any other superior officer authorized to promulgate such orders, is the law so far as you are concerned, and should be and must be obeyed if order is to be maintained.

I will do everything I can to secure clemency in your case, but I can accomplish nothing for you if you continue to violate the orders of the Navy Department. I could not justify you in that course myself, and for that reason could not ask the Secretary of the Navy to reduce the punishment that has already been imposed on you so long as you continue in disobedience. So you will understand that your future punishment depends wholly upon your own conduct. If you obey the



order now sought to be enforced and express your willingness to obey the future ones, I may be able to succeed in securing pardon for you and your restoration to your former place in the Navy. But if you continue to disobey, of course I can do nothing for you. I sympathize thoroughly with your unwillingness to allow yourself to be subjected to this treatment. I am as much opposed to it as you are. But so long as you are in the Navy you must necessarily obey the orders of your superiors. My advice to you is to do so without further delay.

I note what you say about the probability of your being punished for sending me this communication. Of course I could not give you the advice you need without the knowledge of the prison authorities. I do not think that, under the circumstances, you will be punished for asking advice, in good faith, as to your rights and duties. If so, I should think less of the naval authorities than I do now. I think they are exercising what they believe to be their duty, and, as you are seeking to find out what is yours, they can hardly find reason to complain of you.

Sincerely yours,

JOHN D. WORKS,  
*United States Senator.*

JULY 13, 1912.

MY DEAR MR. SECRETARY: I have had no answer from you to my last letter relating to the case of Joseph J. Kapsa. Since writing that letter I have received a letter from Mr. Kapsa himself, with whom I have had no previous correspondence or communication of any kind, informing me that he has again been required to accept treatment for the prevention of typhoid fever and is threatened with further punishment. He asks for my advice as to what he should do. The whole thing is exceedingly revolting to me. Looking at it as I do, the punishment and repeated punishment of this man is wholly unnecessary and unjust. It is a violation of the sacred rights of an American citizen. Notwithstanding this, I have written him that he must necessarily obey orders or subject himself to punishment. I am sending you a copy of his letter to me and my answer, so that you may be fully informed of the situation and my views on the subject.

Sincerely yours,

JOHN D. WORKS,  
*United States Senator.*

Hon. GEORGE VON L. MEYER,  
*Secretary of the Navy, Washington, D. C.*

DEPARTMENT OF THE NAVY,  
*Washington, August 2, 1912.*

MY DEAR SENATOR: The receipt is acknowledged of your letter of the 29th ultimo relative to the case of Joseph J. Kapsa, seaman, United States Navy.

In reply thereto you are informed that on July 31, 1912, the department directed, in view of Kapsa's excellent conduct while at the disciplinary barracks, that the unexpired portion of his sentence be remitted after he has taken the typhoid vaccination, and that he then be restored to duty.

Faithfully yours,

BEEKMAN WINTHROP,  
*Acting Secretary of the Navy.*

Hon. JOHN D. WORKS,  
*United States Senate.*

NAVY YARD, NORFOLK, VA., *August 11, 1912.*

The Hon. JOHN D. WORKS,  
*United States Senate, Washington, D. C.*

MY DEAR MR. WORKS: I take the pleasure in writing and informing you of my release from Port Royal, and that I have been restored to duty.

I have been restored as a seaman, and am waiting for transfer to a ship.

I submitted to the antitoxin treatment, as you advised me in your letter, and received the last of the treatment on August 7; so was restored to duty on the same day.

I am a Christian Scientist, Mr. WORKS, and that is the reason I refused to submit to the treatment, and not because I wished to violate orders of the Navy Department.

I only asked for my rights as a Christian and citizen, but could not obtain them because I was in the naval service.

Just because I was in the naval service I was compelled to obey the commandments of men in direct violation of the plain teachings of Christ, and if I possibly can obtain my discharge I would like to do

so before a new order is issued by the Navy Department which would violate my religious scruples; so if you possibly can give me any information as to whether this is possible or not, it will be greatly appreciated.

Thanking you for your kindness, and God bless you, I wish to remain,  
Yours, in truth,

JOSEPH J. KAPSA,  
U. S. S. "Franklin," Navy Yard, Norfolk, Va.

AUGUST 13, 1912.

Mr. JOSEPH J. KAPSA,  
U. S. S. "Franklin," Navy Yard, Norfolk, Va.

MY DEAR MR. KAPSA: I shall be very glad, indeed, to do anything I can to secure your discharge from service in the Navy. I think, however, you are taking too seriously the obligations of a Christian Scientist as opposed to vaccination and other similar treatment. Of course, we do not believe in these treatments and do believe that there is a higher mode of healing, but there is nothing in the teachings of Christian Science that would obligate you or me to violate the law or any order of our superiors in the service because we are Christian Scientists. The right thing for a Christian Scientist to do is to obey the law so long as the law exists and to know that the treatment can not do you harm. A good Christian Scientist, if compelled by law to submit to vaccination, ought to be able to prevent its having any effect upon him, and that is the course taken by Christian Scientists in cases where the law of the States requires their children to be vaccinated in order to entitle them to enter the schools. If I were you and desired to remain in the service I certainly would not ask for a discharge on that ground. You can be just as good a Christian Scientist and your conscience should be just as clear if you continue in the service and submit to such orders for vaccination and other treatment as the Navy regulations may require. If I had supposed that to accept the treatment was to violate the religion that we profess, I should not have advised you to submit to it. There are thousands of Christian Scientists in the country to-day who are compelled to submit to vaccination and to other material means for the prevention of disease, and the fact that they submit to the treatment or remedies is in no sense a violation of their obligations as Christian Scientists. I hope you will realize this fully and not be misled into leaving the service on that ground alone if you otherwise desire to remain.

I will not take up the matter of your discharge with the Secretary of the Navy until I hear from you further after you receive this letter. If you still think you desire to leave the service, I will, of course, do anything I can for you.

I sincerely sympathize with you and admire the stand you took in refusing to accept the treatment; but, notwithstanding, I must say that I think it was a mistake which could not do you or your religion any good, however conscientious you were in taking that course.

With kind regards, I am,

Sincerely yours,

JOHN D. WORKS.

U. S. S. "FRANKLIN,"  
August 16, 1912.

The Hon. JOHN D. WORKS,  
United States Senate, Washington, D. C.

MY DEAR MR. WORKS: Your letter received yesterday, and so answer it to-day, this being my first opportunity.

You will agree with me, Mr. WORKS, that it is for the good of the service that I leave it when you consider my position and the conditions under which I am and will be placed.

I will be looked upon as a man who refused to obey an order of the Navy Department, and that will prevent me from advancement, as it has in other men's cases.

If you will just imagine yourself in my place, you will see that I am right.

I am discontented and disgusted and make men I come in contact with feel the same unintentionally, so it is far better for me to leave and start over again somewhere else.

So if you will take the matter up and have me discharged, you will be doing the Navy as well as myself and my people a great favor, who have become worried since I have been in this trouble.

Hoping to hear from you in the near future, I beg to remain,

Truly yours,

JOS. J. KAPSA,  
U. S. S. "Franklin," Norfolk, Va.

AUGUST 17, 1912.

Mr. JOSEPH J. KAPSA,  
U. S. S. "Franklin," Norfolk, Va.

MY DEAR MR. KAPSA: I will at once apply to the Secretary of the Navy for your discharge. I am not familiar with the rules on the subject and do not know what may be necessary for that purpose, or whether or not the discharge can be obtained at all, but I will do the best I can for you, as you desire to take that course.

Sincerely yours,

JOHN D. WORKS.

AUGUST 17, 1912.

Hon. GEORGE VON L. MEYER,  
Secretary of the Navy, Washington, D. C.

MY DEAR MR. SECRETARY: A few days ago I received a letter from Joseph J. Kapsa, the gunners' mate who was recently court-martialed for refusing to accept the serum treatment required by the rules of your department, asking me to try and secure his discharge from the Navy. I wrote him that if he had no other reason than that he was conscientiously opposed to accepting these enforced preventive remedies because of his religious scruples, I thought he had better consider seriously whether it was a wise thing for him to leave the Navy, where, as I understand, he has made an excellent record. This morning I received the inclosed reply from him, which will fully explain his views and his feelings on the subject. I am satisfied that under the circumstances, if his discharge can be arranged it will be, as he says, best both for him and the service. I am therefore asking you whether under the rules and regulations of your department he can be discharged from the service; and if so, upon what terms? An early reply will be appreciated.

Sincerely yours,

JOHN D. WORKS,  
United States Senator.

DEPARTMENT OF THE NAVY,  
Washington, August 22, 1912.

MY DEAR SENATOR: I have received your letter of August 17, 1912, inclosing a communication herewith returned from Joseph J. Kapsa with regard to his discharge.

As Kapsa is now in his third enlistment he could only be discharged by special order of the department, and I would suggest he be advised to make an official application to his commanding officer for discharge, and, in view of the circumstances in the case, the department will be glad to give it favorable consideration.

As Kapsa is now in the third year of his present enlistment, he would be required to refund one-half of the honorable discharge gratuity paid to him at the time of his enlistment April 28, 1910.

Faithfully yours,

G. VON L. MEYER.

Hon. JOHN D. WORKS,  
Senate Chamber, Washington, D. C.

AUGUST 23, 1912.

Mr. JOSEPH J. KAPSA,  
U. S. S. "Franklin," Norfolk, Va.

MY DEAR MR. KAPSA: I have just received the inclosed letter from the Secretary of the Navy, which will explain itself. You will see that it is necessary for you to make application for your discharge to your commanding officer and also that you will have to refund one-half of the honorable discharge gratuity paid to you at the time of your enlistment April 28, 1910.

If these conditions are complied with I feel quite sure, from the Secretary's letter, that you can procure the discharge.

Sincerely yours,

JOHN D. WORKS,  
United States Senator.

Mr. President, I heard no more from Kapsa on the subject, and do not know whether he was discharged from the service or not. I have had a number of complaints just like his, but this one will sufficiently disclose the conditions that prevail in the Navy. They are the same in the Army. This same coercive system exists in the case of school children. They must be vaccinated and be inoculated with such vile serums as the

the hands of monopoly-seeking doctors without the consent of the parent or guardian will result in burdening the taxpayers with an ever-increasing army of State-paid political doctors.

The majority of doctors appointed as medical inspectors are incompetents who are unable to establish a practice for themselves. They receive the appointment through political influence without inquiry as to fitness for the place. The main qualification required of them is that they have political "pull." This is the class of doctors who go into our public schools and experiment upon children at the taxpayers' expense and without the consent of the children's parents.

Compulsory medical inspection of school children is intended by its self-seeking promoters to secure places for an ever-increasing army of State-supported doctors, who are seeking to establish by legislative enactment a monopoly of medical practice. Compulsory medical inspection of schools, if attained, will be toward the establishment of State medicine, which would be a greater evil than State religion.

The American Medical Association aims to establish a medical hierarchy which shall control the people from birth to death.

The bureaucratic rule which it hopes to secure in the National Government is un-American in principle and despotic in spirit. It is monopolistic and tyrannical in the most offensive sense of those terms.

The conscience-guided American citizen is resolutely opposed to the encroachment of the privilege-seeking advocate of State medicine. The American people are opposed to both State medicine and State religion; also to the policy of extending special privilege to any sect in religion, medicine, or philosophy.

Mr. President, the strenuous efforts that are being made to establish a monopoly in the healing of disease are attributed almost entirely to a certain class of doctors belonging to the American Medical Association, often referred to as "political doctors." It is understood by everybody that there is no public demand for any of the legislation having for its purpose the exaltation and continuance in power of one school of medicine and the exclusion of all other modes of healing, and that it is a selfish effort on the part of some, not nearly all, of that school to benefit themselves without regard to the needs of the general public.

Objection to the monopolistic methods of the association has not been confined to outsiders. Some of its members have protested loudly against the unjust and suicidal course it has taken. One of the most persistent of these is Dr. G. Frank Lydston, of Chicago. I am convinced from the information I have obtained that Dr. Lydston is a physician of ability and standing and a man of high character and strict integrity. I understand that he is personally known to more than one Member of this body, who will vouch for his standing as a man and a physician. I am about to quote from a pamphlet of which Dr. Lydston is the author. It was published in February, 1913. It is entitled, "*A Privileged Medical Class—The Latest Move of Medical Trust Monopoly—A Warning to the Profession, the Public, and Especially to State Legislatures and Medical Examining Boards.*"

As this pamphlet relates mainly to the manipulations of the American Medical Association to obtain control of the Medical Reserve Corps, the doctor's warning should have been extended to Congress. I now call the contents of this pamphlet to the particular attention of the Committee on Military Affairs of the Senate. It should move that committee to investigate conditions in the War Department relating to the Medical Reserve Corps.

He says:

The attempt by certain medical monopolists to "corner" everything pertaining to medicine and surgery in the United States is so flagrant



that it is marvelous that the rank and file of the profession does not wake up. Medical schools, health boards, medical journalism, medical publishing, medical advertising, medical appointments of all kinds—the medical octopus is after them all, and is likely to get them all while the profession sleeps.

One might suppose that the Medical Department, United States Army, could not be made the playground of the medical octopus. Not so, however. In the near future I shall prove to the citizens of this country that the Medical Department of the Army is dominated by and subverted to the base uses of the dominant American ring of medical politicians. I ask the profession to read and carefully weigh the proof which I shall later submit.

I shall herein limit myself to the presentation of as pretty a little scheme of professional graft as ever has been sprung upon an unsuspecting public and long-suffering profession. I refer to the establishment of a privileged class from the Army, Navy, and Marine Hospital medical services and the proposed attempt to add to this class the Medical Reserve Corps, United States Army, and to further extend the privileges of all of these branches of the Government medical services.

The Medical Reserve Corps, United States Army, was a scheme of the medical octopus, by which it proposed—

1. To get its tentacles onto the Army, and thereby creep close to the throne in Washington.

2. To get more political influence through the large numbers and wide ramifications of the corps and more power by having more bribes to dispense wherewith to win satellites and prestige. As I will prove in a paper now in preparation, it has done these things most effectually.

The first batch of appointees to the Medical Reserve Corps of Chicago comprised the editor-manager-boss of the American Medical Association and 12 of his official family, only 1 of whom had ever worn any uniform save the "collar" of the American Medical Association. Every local official of the American Medical Association is now in the Medical Reserve Corps Association of Chicago, which numbers 112 members, to say nothing of members at large who have not joined the association. The first president of the Illinois division of the reserve corps was an ex-president and ex-treasurer of the American Medical Association. Its present vice president is a paid employee of the American Medical Association. What prevails here is duplicated in every State in the Union.

As to the personnel of the Illinois Reserve Corps Association, its roster contains the names of the following: The editor-manager-boss of the American Medical Association, two ex-presidents of the American Medical Association (one a former treasurer of the American Medical Association), the assistant secretary of the American Medical Association, the local trustee of the American Medical Association, two associate editors of the American Medical Association, a former trustee of the American Medical Association, two editors of subsidiary journals of the American Medical Association, the chairman of the committee of public health of the American Medical Association, the chairman of the committee on education of the American Medical Association, and ex-chairmen galore, a member of the council of chemistry and pharmacy, American Medical Association, three secretaries of sections, American Medical Association. In brief, every Chicago member of the oligarchic ring, and practically every one of its satellites is in the Illinois Reserve Corps Association.

Commissions in the reserve corps are supposed to be issued after a rigid examination. The majority of the Chicago contingent were not examined at all—not even physically. Any examination which may have been given in most cases was a farce. So far as I can ascertain, only two were examined as is pretended to be prescribed by law, and these gentlemen were not examined in Chicago. The "examining board" in most cases was a single Army medical officer, and the examination essentially consisted of "How do you do? What is your name? Good day."

N. E.—Part 14, Manual for the Medical Department, United States Army, provides for an examination for the Medical Reserve Corps, as follows:

" MEDICAL RESERVE CORPS.

"(b) The statement and certificate having been given and the diploma submitted, the board will then make a thorough physical examination of the applicant, which must conform in all respects to that required of candidates for commission in the Medical Corps. (Par. 5a.)

"If any physical disqualification for the service is found the examination will be discontinued. The findings and action of the board will be reported on Form 145a, modified to suit the case.



"(c) The applicant having been found physically qualified the board will next proceed with his professional examination in the following subjects:

"Practice of medicine, surgery, obstetrics and gynecology, and hygiene. This examination will be oral and sufficiently comprehensive to determine whether, in the opinion of the board, the applicant is qualified to practice his profession under the usual conditions of the military service. Should the oral examination in any subject be unsatisfactory, the applicant may be required to take a written examination therein."

The profession will kindly notice the "jokers" in sections (b) and (c). Most astounding. A report "modified to suit the case." An examination for an Army commission which, it is claimed, should give a man the right to obtain without examination a license to practice in any State in the Union.

What has all this to do with the establishment of a privileged class? Read the following letter from Dr. Lewis and the official reply to an inquiry which he made of the Surgeon General, United States Army:

CHICAGO, ILL., January 10, 1913.

DEAR DR. LYDSTON: In answer to your letter of December 15, asking me for information relative to the "license" status of the members of the Medical Reserve Corps, I beg leave to submit the answer of the Surgeon General to my query. Relative to your questions as to the examinations for the Medical Reserve Corps I will state that I, and many others within my knowledge, were not required to pass an examination of any kind

Very truly,

HENRY F. LEWIS, M. D.,  
First Lieutenant Medical Reserve Corps,  
United States Army.

Upon what meat do our military medical Cæsars feed that they have grown so great that they should be exempt from medical-practice laws to which even gray-haired professors must submit?

The American Medical Association medical reserve corps can not "put anything over" in Illinois under the present State board of health, for a very peculiar reason—the president of the board, Dr. George W. Webster, understands the situation, as the following correspondence shows:

CHICAGO, ILL., December 14, 1912.

DR. GEORGE W. WEBSTER,  
32 North State Street, Chicago.

MY DEAR DR. WEBSTER: I am interested in the method of formation of the Medical Reserve Corps, United States Army. As you are a member of said corps, I take the liberty of asking you the following questions, which I trust you may do me the courtesy of answering:

1. Who constituted the board which examined you for the Reserve Corps?

2. Were you submitted to a physical examination; and if so, what was the nature of said examination?

3. If a physical examination was made, was same made a matter of record?

4. Were you examined in medicine and surgery? If so, what was the nature of said examination and in what subjects were you examined?

5. Was the examination oral or written?

6. Was a record made of your examination and markings?

Trusting that you may see fit to give me an early reply to the foregoing query, I am,

Very fraternally,

G. FRANK LYDSTON.

Answer:

DEAR DR. LYDSTON: I was not required to take either a medical or a physical examination.

Very sincerely,

GEO. W. WEBSTER.

My associate, Dr. B. S. Rogers, major and surgeon, Second Infantry Illinois National Guard, informs me that he also was not submitted to examination. I wrote to a number of others who had informed me that they were not submitted to any examination, but received no reply. One gentleman who had already told me the facts called me up by phone and said that he did not care to go on record, as he was "afraid the bunch would get him" if he did. Two others, who had already told me the facts, also begged off on the ground that if they went on record it "might hurt their business." Is it not about time that the evil system which is sapping the manhood of the American doctor was overthrown?

The following rule bears upon the method of applying for admission to the Reserve Corps, United States Army:

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"Permission to appear before the board is obtained by letter to The Adjutant General of the Army, which must be in the handwriting of the applicant, giving the date and place of his birth and the place and State of which he is a permanent resident. He must also furnish certificates based on personal acquaintanceship, character, and habit."

This is a huge joke. The method followed in Chicago was the selection by the A. M. A. ring of names "acceptable" to themselves. No one who was persona non grata to the oligarchy ever had an opportunity to submit an application in writing. Applications were made and acted on where the alleged "applicant" was ignorant of both the application and the action taken upon it.

One of the requirements for admission to the Medical Reserve Corps of the Army pertains to the applicant's age, as follows: "An applicant for appointment in the Medical Reserve Corps must be between 22 and 45 years of age."

N. B.—Nearly 70 of the 112 members of the Chicago association are above the age limit.

The Medical Reserve Corps, United States Army, as at present constituted is a farce and merely a kitchen for the medicopolitical trust monopoly—a kitchen in which to prepare its scheme of graft, power, revenge, and politics. Graft is the acquirement of money, honors, property, or any emolument without giving the quid pro quo. That the Medical Reserve Corps, United States Army, is used for political purposes I will prove later. When the Medical Department of the Army is used by medical politicians for their own private ends it is time for the great American citizen and the apathetic American doctor to "sit up and take notice." That this has been done, and that the Medical Department of the Army is at present under the control of the octopus, I will shortly demonstrate beyond peradventure of doubt. I am curious to see whether the rank and file of the profession believe in the methods of the men who are trying to dominate and monopolize American medicine. I am still more curious to learn whether or not the rank and file really like to have their rights as American citizens trampled on.

If there are to be any special privileges, why not have a competitive examination and give everybody a chance? Is the Medical Reserve Corps, United States Army, to be the only department of the medical service to which only the politically chosen few can be appointed, and after a fake examination or without any examination? And why not give the preference to men of military experience rather than to obstetricians, neurologists, pedistricians, ophthalmologists, and gynecologists? Military experience and a knowledge of military surgery are not mentioned in the examination requirements.

It remains to be seen whether the new administration will approve of the Medical Department of the Army being made a kitchen for medical politics.

What about the woman doctor? What provisions has the medicopolitical gang that is running the Medical Department of the Army made for her? What special privilege is to be provided for her? She can not join the Army, Navy, or Marine Hospital Service, nor even the Medical Reserve Corps. Possibly the medical Cabinet officer whom we are to have when the gang acquires complete control of medical matters in the United States is to be a woman. Let us hope so. The situation will require some features of redemption. I would suggest that the female suffragists give this matter due consideration.

Then there is the homeopath—he and his clientele vote, own property, and pay taxes. His school is recognized as legal. What special privileges is the homeopath to have? How many homeopaths are there in the medical service of the Government, particularly in the Medical Reserve Corps? If the homeopath is not eligible to the Government medical service or to the Medical Reserve Corps, he can not become one of the specially privileged licensed to practice without examination class; but something should be done for him. Possibly positions on the proposed Federal bureau of health will be reserved for him. The all-hog A. M. A. ring is noted for its fair play.

N. B.—There are about 1,200 Medical Reserve Corps men already appointed. The number is not limited by law. There are some 150 in Chicago and 250 in New York alone. As these men are all bound to the A. M. A. ring by political hooks of steel, the gang has an organization in each State which gives the A. M. A. a powerful grip in Washington.

Do the privileged medical class and medical monopoly accord with the principles of democracy and the spirit of true American citizenship?

In conclusion, I would ask the medical officers of the Army how they like the placing of the farcical Medical Reserve Corps on the same plane with themselves? Do they approve of the Surgeon General's A. M. A. political scheme? Do they really believe that even they themselves

should enjoy special privileges—privileges denied to other medical men? If so, why?

Of this much Washington may be assured, viz: Behind the protest which I have made herewith will stand several million fair-minded American citizens and every physician in this country, in or outside the A. M. A., who is not a beneficiary of medical trust politics. The new administration would do well to count these men before passing on what I have herewith submitted.

Let the profession remember what I have said over and over again, viz, the octopus is trying to monopolize health boards, including a Federal bureau of health, medical schools, medical journals, and medical publishing and advertising, hospitals, all public offices, the medical department of the Army—and now comes the proposed monopoly of operative surgery. Who are at the head of the trust? Read Munsey's Magazine for February, 1913.

Mr. President, the view taken by some of the leading women of the country of the efforts of the American Medical Association to secure the kind of legislation I am considering will be shown by the following extracts from the clear, logical, and forceful letter written by Mrs. Lydia Avery Coonley-Ward to the first division of the Federation of Women's Clubs of Illinois:

In saying what I think of this bill I shall make assertions that only duty could compel, but I shall say nothing that can not be substantiated.

The movement for new medical legislation was instigated and is maintained by the American Medical Association, a powerful trust. Many excellent people have interested themselves in it, but its motive was political. So dangerous were the plans, so specious the claims, so insidious the action that the National League for Medical Freedom was formed in opposition to this and kindred efforts, and its rapidly growing ranks have been recruited from every State until it has over 300,000 members, 21,000 of those being in Illinois. This league has been bitterly opposed and grossly maligned, but its members are devoted to public welfare and untrammelled by commercial interests. They do not in the least oppose laws for public health and sanitation, but they do oppose the efforts to force class legislation and the subjection of the people to a medical system.

I do not question the honesty of many who favor the Owen bill, but I do assert that its instigation and maintenance by a powerful trust are not to its credit, and should prevent acceptance of its statements without careful examination.

When Senator OWEN disclaims the intention of fortifying one school of medicine, we submit that evidence of close relations with the American Medical Association invalidates the claim. From the first Marine Hospital report issued 40 years ago, only the allopathic school has been recognized. Nor has the charge been denied, made on the floor of the Senate more than a year ago, that of the 7,000 doctors in Government employ every one is an allopath. The Government has no more right to be sectarian in medicine than in religion.

But for interested support this propaganda would never have gained prominence. The demand for a national bureau of health has been artificially created. Women's clubs have been besieged by humanitarian arguments and pleas for home and child conservation—interests dear to every woman's heart—and many have been won by specious arguments that will not bear the light of truth.

The bill was so obnoxious in the beginning that its friends amended it, and even then it failed. As it now stands it has no real use, but is designed as an entering wedge. "It will be followed up until we get what we want" has been frankly said. Let us try to find what "we" want. The bill contemplates the absorption of many bureaus, but excludes the medical departments of Army and Navy. The first bill would have included them, but they absolutely refused to be merged and were too strong politically to be antagonized. When asked why bureaus that would naturally be first to join the national bureau are not molested, Senator OWEN said that it would probably be impossible to pass the bill with the hostility of the medical service of the Army and Navy. But why should there be hostility to a bill essential to the well-being of the Nation? Their opposition is suggestive, to say the least.

I ask if we as women dare to further these unworthy ambitions? Our definite aim is to promote purity of motive as well as of action. Let us beware of the disguises in which the Owen bill is wrapped.



Great weight is laid on the impression that the medical profession at large considers this bill in the interest of the public health, whereas it is only one school that so considers it. The national associations of every other prominent school are on record against it. Are all other schools without concern in public welfare, excepting only the one that is to benefit by this legislation? Those who believe that under this bill power would not be concentrated in the old school should consider the experience of President Taft. An order for the Canal Zone, drawn by the interests that push the Owen bill, was presented for his signature. Believing it as harmless as it seemed, he signed it, thereby prohibiting the practice of medicine in the zone without a license from the allopathic board of health on pain of fine or imprisonment. The President was forced to the mortifying necessity of modifying the bill, but even now all other schools are at the mercy of "the regulars."

We are all glad to admit that excellent work has been done in the Canal Zone, but we believe that its value is of a purely practical and sanitary kind—good housekeeping rather than the use of serums and drugs, regarding which there is fundamental difference of opinion among the several schools of medicine. There is no difference of opinion regarding the efficacy of the laws of sanitation. What they have done in the zone they can do in the United States just as well, and no further legislation is needed to this end.

In the beginning Prof. Fisher wrote to a physician asking for a generous contribution to push the new bureau, saying that it is a project that "will surely expand within a decade so that millions upon millions of Government money" will be at its service. This alone should make women pause before risking their reputation for economical management. With vast expenditures this bill would bring politics into medicine and medicine into politics. Only last year an unwary member of a western legislature presented a bill proposing a tax of 50 cents a month on every family in the State for the services of a government-appointed doctor, and it came very near passing. Perhaps if it had had the indorsement of the women's clubs of the State it might have passed. Yet it was simply a bolder effort in the direction of the Owen bill. Why should women advocate centralization at Washington when an effort at this moment is being made to prevent the exploitation of taxpayers by keeping things in local hands?

Shall we not hesitate before trying to add to burdens already oppressive the "millions upon millions" the passage of the Owen bill predicts? We should make sure that the present comparatively economical management is ineffective before putting enormous financial power into unknown hands at Washington.

In a matter as tremendously important as this each woman should inform herself personally before voting, and if each makes examination of the facts I am sure indorsement will never follow.

I know of a committee appointed by a club to examine and report upon this bill. The acceptance of a place on an investigating committee presupposes impartiality—an open mind—without opinions formed in advance. By request three eminent health authorities appeared before this committee, and yet, although two of them opposed the bill, the committee advised the club to indorse it. There should be assurance in advance that a case like this is not prejudged. Its members ought to be as impartial as jurors are required to be.

Because I believe from my heart these things that I have written I beg that our clubs will not indorse the Owen bill or any similar measure creating a national department of health or extending the present health powers of the Federal Government.

Mr. President, this is only one of the many cases where the doctors have endeavored to secure the powerful influence of women's clubs to bring about the passage of laws in their own interests. In many cases indorsements have been obtained from such clubs by unwarranted statements and appeals to women's natural sympathies for any effort that is understood to be for the public good, especially where they are made to believe that the health of the children is to be preserved by that means.

But an inquiry into the motives that impel action on the part of the doctors and the objects they have in view will prevent all good women from supporting such proposed legislation. Most of the effort is to procure legislation that will put the "regular" doctors in control of all medical and other healing activities.

### Serum Remedies.

The doctors have conceived the idea that every disease is caused by some disease germ or microbe, and that there is some remedial health germ that will destroy it and thereby restore the patient to health. So they have been hunting about, first, to find the particular disease germ that produces each ailment. They have vivisected animals and prospected the bodies of dead human and animal beings for enlightenment along these microbe lines. They have not stopped there. Live children who are unfortunate enough to be without protection from their inhuman explorations have been made the victims of their search for information about disease germs and the means of their destruction. Their endeavors have led to the most fantastic theories and the most loathsome remedies for disease germs. The vile concoctions that have been and are being injected and poured into human bodies, often causing disease and suffering even unto death, is appalling. No one knows whether any of the serums and other like remedies devised by the doctors as a result of their theories about disease germs have ever healed a single disease or prevented it. But it is known beyond the possibility of doubt that thousands of people, many of them innocent and helpless children, have been killed and thousands of others inoculated with loathsome diseases by their use. Whether they heal or prevent disease or not is a matter of sheer speculation, not knowledge. A serum is administered and a patient gets well. Whether it was because of the serum or in spite of it no one can tell. But if the patient dies suddenly after the administration of the drug, with all the symptoms of poisoning, the cause and the result is too apparent to be doubted. Then, all kinds of excuses are made for the fearful consequences of a doctor's fatal blunder. Serums are forced on whole armies and navies and on school children, from which fearful deaths occur. The epidemic of disease that is feared does not occur. But who knows whether its failure to occur was the result of the administration of the drug?

Sometimes the serum is administered, and the much-feared epidemic of disease does come, and the people who were inoculated sicken and die like all the rest. And, then, what? Oh, there was something wrong with the virus or serum. But who knows? We go on experimenting and risking our lives and our health at the dictation of the doctors, the command of the military and naval officers, and in obedience to cruel and inhuman laws upon the mere theories and speculations of the doctors. We surrender the lives of our children to the experimentations of these men who have utterly failed to heal disease by the methods they have resorted to for centuries and are trying out other remedies equally futile and none the less destructive to health and life. And the people are compelled by law and health regulations to submit to be slaughtered by these loathsome alleged remedies, whether they will or not. The most ruthless enforcement of these remedies will be found in the Army and Navy. Officers of these departments have been made to believe that such remedies are necessary to prevent the spread of diseases supposed to be infectious. To prevent this they require every soldier and sailor to submit to be inoculated with the various serums that are supposed to prevent certain diseases.



Their bodies are made receptacles of these foul and unhealthy concoctions. A conspicuous case of the kind came to my knowledge a short time ago that will serve to lay before the Senate the practice which prevails in the Army and Navy in the enforced administration of such remedies:

Joseph Kapsa was a gunner's mate on one of our war ships. He was a Christian Scientist, and conscientiously opposed to taking drugs. The Navy Department promulgated an order that all men in the naval service must be inoculated with a serum supposed to prevent typhoid fever. Kapsa explained what his beliefs and convictions were, and asked to be relieved from complying with the order. His request was refused. He then refused to submit to the treatment. He was tried and convicted of disobedience to orders and sentenced to two years' imprisonment and a dishonorable discharge. He was sent to prison, and there, again, the rules of the prison required him to take the treatment. His attorney at his trial appealed to me to intercede for him when he was first convicted. His punishment was reduced by order of the then Secretary of the Navy to one year's imprisonment and a dishonorable discharge. There is no better way to lay the Kapsa case before the Senate than to submit the naval order and the correspondence that took place between the Secretary of the Navy and me, and others, on the subject. It is as follows:

[General Order No. 133.]

NAVY DEPARTMENT,  
Washington, D. C., December 1, 1911.

First. As soon as practicable after the receipt of this order typhoid prophylactic will be administered to all officers and enlisted men of the Navy and Marine Corps under the age of 45 years who have not already received it or who have not already had a well-defined case of typhoid fever. Officers and enlisted men on leave or on duty where no medical officer is available will receive the typhoid prophylactic upon their arrival at the first station where this measure is practicable.

Second. Typhoid prophylactic will be administered to all recruits under 45 years of age immediately upon their arrival at a training station, receiving ship, or marine recruit depot. This applies to all men reenlisting who have not received the prophylactic treatment within two years previously or had a well-defined case of typhoid fever; in case of doubt the prophylactic will be administered. Every applicant for enlistment in the Navy or Marine Corps will be informed that he must submit to typhoid prophylaxis and unless he agrees to acquiesce in this procedure he will not be considered eligible for enlistment.

Third. Typhoid prophylaxis must be regarded as a supplemental safeguard and under no circumstances will the usual sanitary precautions be modified or set aside.

Fourth. The antityphoid serum should be obtained from the Bureau of Medicine and Surgery by telegraphic or written request.

G. V. L. MEYER,  
*Secretary of the Navy.*

MAY 28, 1912.

MY DEAR MR. SECRETARY: I am inclosing you a letter from Mr. Ralph K. Jacobs, relating to the court-martial of John Joseph Kapsa, gunner's mate, first class, United States Navy, May 20, 1912.

The letter explains clearly the conditions under which this young man was convicted. I can not refrain from expressing my utter astonishment that a court-martial composed of American naval officers should have imposed such a punishment under the circumstances. The question may soon have to be tested whether the Navy Department can violate the conscientious religious convictions of its enlisted men by such order as was made in this instance.

But I am not writing to you now to raise any question of that kind, although I may be impelled to do so later. The judge advocate has magnanimously reduced the imprisonment of this young man one year, which leaves standing the order depriving him of pay and discharging

him dishonorably from the service at the end of his imprisonment. That is to say, he is to be dishonorably discharged a year earlier than under the original sentence.

I think this man acted unwisely. If he were an officer, having the right to resign, he could have satisfied his conscience by resigning his position; but in his case this could not be done. He must either submit or take the punishment. In one case that has come to my knowledge and about which I wrote you earlier an enlisted seaman, under exactly the same conditions, was not imprisoned but was given an undesirable discharge. Such a sentence might be justified, but the one rendered against this man is utterly unjustifiable from any point of view. If his conscientious scruples prevented him from accepting the treatment, he should have expected that he would be discharged from the service. I have so advised a number of Christian Scientists who were likely to be placed in the same situation. The result of it will be that Christian Scientists, who, I imagine, make as good seamen as you have in the Navy, will be deprived of their right to enlist because of the orders requiring the kind of treatment that was proposed in this case and which is obnoxious, not only to Christian Scientists but to thousands of other good people in this country, and all of those now in the service will be compelled to waive their conscientious religious scruples and accept the treatment or undergo such punishment as was inflicted in this case or some greater or less punishment, according to the views of the particular officials composing the court-martial in a given case.

I submit to you, with all due respect, whether some conclusion should not be arrived at by which cases of this kind could be disposed of and Christian Scientists who prefer that course should be allowed to accept an undesirable discharge, which is certainly bad enough and unjust enough, rather than undergo imprisonment where the refusal is not willful, but grounded upon their conscientious convictions? In this instance I understand Kapsa prefers to receive an undesirable discharge or a dishonorable one rather than waive his convictions, although he has made a good seaman and is anxious to remain in the service.

Under these circumstances I appeal to you for such degree of clemency in his case as you may feel to be just in the interest of the public service. I think it must be seen by any just-minded man that the service can not be benefited by the infliction of such punishment as has been imposed in this case. Religious persecution has never yet aided in accomplishing results. It will simply bring about the feeling of resentment which will do much more harm than good. For myself I do not desire to see this condition of mind brought about. I should prefer to see Christian Scientists denied the right to participate in the public service because of their religious convictions—the injustice of which must be apparent to anyone—rather than have them punished as this man was punished, which must arouse the strongest indignation and protest not only from Christian Scientists but from all just-minded people.

Sincerely yours,

JOHN D. WORKS,  
United States Senator.

Hon. G. VON L. MEYER,  
Secretary of the Navy, Washington, D. C.

DEPARTMENT OF THE NAVY,  
Washington, June 24, 1912.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, together with the letter from Mr. Ralph K. Jacobs, relating to the general court-martial of Joseph J. Kapsa, seaman, United States Navy.

Mr. Jacobs acted as counsel for Kapsa at his trial and there urged as a defense that the department's General Order No. 133 of December 1, 1911, is illegal in that it violated the constitutional rights of the accused, and that the direct order of Kapsa's commanding officer was also illegal. Mr. Jacobs, however, quoted no authorities or precedents in support of his contention. In his letter to you Mr. Jacobs does not insist upon his previous contention, but requests that you intervene for the purpose of securing clemency, stating in his letter: "My own belief is that since the department asks him to submit his body to treatment the case should stand on a par with those cases in which an enlisted man refused to undergo an operation which the naval surgeons say is necessary, in which case the man is discharged as undesirable." This statement of Mr. Jacobs is erroneous in that it fails to take notice of the distinction that is made between major and minor operations. The policy of the department is not to insist upon a major operation against the man's wishes, but the case is different in minor operations. The following is quoted from circular No.

11, Adjutant General's office, War Department, of December 10, 1885, and shows that the policy of that department with respect to surgical operations is the same as that of the Navy Department:

"Except in the case of a capital operation involving risk of life, a soldier can not refuse to submit to medical treatment or surgical operation without subjecting himself to trial by court-martial for willfully avoiding treatment the purpose of which is to enable him to perform the duties for which he enlisted."

With regard to the severity of Kapsa's punishment I beg to invite your attention to the fact that the department has reduced Kapsa's sentence of imprisonment to one year's detention at the United States Naval Disciplinary Barracks, Port Royal, S. C. Detentioners are not considered as prisoners in the ordinary sense of the word, are not required to wear prison garb, and are not required to perform hard labor, being given such drills and instructions as will fit them for return to the service should they show a proper disposition to submit to discipline and so conduct themselves as to warrant special clemency being exercised in their behalf. Moreover, the department exercises clemency toward all detentioners by remitting one-third of the term of detention, provided their conduct while under detention is excellent. This in Kapsa's case would reduce his period of detention to eight months. It will therefore be seen that the punishment in his case is not a severe one, considering the very serious nature of his offense.

Referring to those matters which you urge in justification of Kapsa's offense, it may be remarked that a man's religious convictions can not legally justify his refusal to obey the law, or the regulations or orders, which are just as binding upon any person in the service. As stated by the Supreme Court of the United States in *Allgeyer v. Louisiana* (165 U. S., 578), a citizen "may be compelled, by force if need be, against his will and without regard to his personal wishes or his pecuniary interests, or even his religious convictions, to take his place in the ranks of the Army of his country and risk the chance of being shot down in its defense." It certainly would appear that when a man has voluntarily enlisted and bound himself by oath to obey the lawful orders of his superior officers he would have less justification in violating his oath and refusing to obey orders than would a man who is compelled by force to join the ranks of his country's forces, yet the Supreme Court, as above noted, states that religious convictions would not justify a man in disobedience in the latter case.

The question in this case, as in all others, which the department must bear in mind is the question of discipline. In considering the punishment this man is to receive, the department was not influenced by any desire to conduct a religious persecution, as you suggest, but solely to maintain discipline in the Navy. The department can not permit any officer or enlisted man of the Navy to repudiate his oath of office or enlistment on the grounds that he can not conscientiously comply with it in some one or more particular. Were the department to accept such a doctrine, there would be no more discipline in the Navy, for every man could then disobey orders with impunity, relying upon his alleged religious convictions as a justification for the violation of his oath of enlistment, and demanding a discharge whenever it might suit his convenience, on the grounds that his conscientious scruples would not permit of his submission to discipline. It would simply amount to an attempt to force upon the naval authorities the rules and regulations of other organizations, and to govern the Naval Establishment thereby. It might as well be said that a person in the naval service could justify his refusal to fire on the enemy when ordered so to do because to obey such an order would be contrary to the religious beliefs of the person so ordered.

In this connection, the following extract is quoted from Winthrop's *Military Law and Precedents*, 1896, page 890:

"Unjust or objectionable commands.—That the order was merely unjust or unreasonable would, it need hardly be added, constitute no defense to a charge of disobedience of orders under this article. *The plea that the order was opposed to the religious scruples of the accused and that he was therefore warranted in disregarding it is one which has been considerably discussed in England, where it was held wholly insufficient as a defense. It would of course be held equally untenable in our practice.*"

The department can not subscribe to the statement that any officer can refuse to obey a lawful order and resign, and have his resignation accepted. The department has the right, and has frequently exercised it, of refusing to accept an officer's resignation.

Referring to paragraph 2 of your letter, the order for court-martial was issued by the department itself after careful consideration of the



best interests of the service. It was an order which it was the duty of the commanding officer of the *Delaware* to see carried out. The department itself preferred the charge against Kapsa of refusing to obey the lawful order of his superior officer, and it was the duty of the naval officer who sat upon the court to make a finding in accord with the evidence adduced at the trial. Having arrived at a finding of "guilty," which was the only finding possible under the circumstances, it became the duty of the court to award a sentence adequate to the offense. The President of the United States established the limitations of punishments that a general court-martial may adjudge in time of peace, and the limitation so established by the President for the offense of refusing to obey the lawful order of a superior officer, as shown in the Navy Regulations for the past 12 years, has been imprisonment at hard labor for two years, corresponding forfeiture of pay, and dishonorable discharge.

If there are matters which appear to the court to warrant clemency, they can only be considered in connection with a recommendation to the reviewing authority that clemency be exercised in the particular case; but the court, as above stated, is required to adjudge an adequate punishment. Clemency was recommended by the court in this case to the reviewing authority—the department—and has been exercised, as previously explained.

The fact that Kapsa was a petty officer of experience is one reason why he should not escape punishment, as petty officers are expected to set a good example in the matter of discipline and obedience to men of inferior rating. The commanding officer of the *Delaware* gave Kapsa exceptional opportunities to reconsider his refusal to obey orders, but he deliberately and willfully continued in his disobedience, the fact was well known on board to all the crew of the ship, and discipline would have been at an end or seriously impaired on board that ship had he been permitted to escape with no punishment.

The department does not consider medical treatment administered to protect the health of the naval service as religious persecution; nor can it concede that any officer, even of the lowest rating, can claim the right to personally decide whether or not he will obey a lawful order. If the order is unlawful or illegal, of course no one can be compelled to obey it; but if it is a lawful order, it must be obeyed by all persons to whom it applies. General Order No. 133 was an order issued by the Navy Department itself and is considered a lawful order, and anyone in the naval service refusing to obey it renders himself liable to the penalties prescribed for the offense of refusing to obey the lawful order of his superior officer.

In order to demonstrate the efficacy of inoculation against typhoid fever and the necessity of prevention and precaution for the safety of the lives of the military forces, I inclose a copy of a statement of the Surgeon General of the Navy.

I should be very glad indeed if the circumstances of the case warranted further clemency than that previously mentioned, but regret, for the reasons stated, that the department would not be justified in permitting Kapsa to be simply discharged as undesirable and thereby escape punishment for the offense of which he was convicted.

Faithfully yours,

BEEKMAN WINTHROP,  
*Acting Secretary of the Navy.*

Hon. JOHN D. WORKS,  
*United States Senate, Washington, D. C.*  
(Inclosure.)

JUNE 29, 1912.

MY DEAR MR. SECRETARY: Referring again to the case of Joseph J. Kapsa, seaman, United States Navy, who was court-martialed for refusing to submit to serum treatment for typhoid fever and sentenced to a punishment that should shock the sense of justice of all men, and in response to the letter of the Acting Secretary of the Navy, in which he justifies the sentence in this case, I have this further to say:

The most of the Acting Secretary's letter is devoted to an effort to refute a claim that I did not make, namely, that Kapsa might disobey an order of the Secretary of the Navy because it conflicted with his religious convictions. Not only did I not make any such claim, but expressly waived it in my letter. I said further:

"If his conscientious scruples prevented him from accepting the treatment he should have expected that he would be discharged from the service. I have so advised a number of Christian Scientists who were likely to be placed in this same situation. The result of it will be that Christian Scientists, who, I imagine, make as good seamen

as you have in the Navy, will be deprived of their right to enlist because of the orders requiring the kind of treatment that was proposed in this case, and which is obnoxious not only to Christian Scientists but to thousands of other good people in this country and all of those now in the service will be compelled to waive their conscientious religious scruples and accept the treatment or undergo such punishment as was inflicted in this case or some greater or less punishment, according to the views of the particular officials composing the court-martial in a given case."

My letter, as the Acting Secretary must have understood, was not intended to justify Kapsa but to have the punishment reduced, at least sufficiently to commend it to a reasonable man as just. So my letter seems to have failed of its purpose. I said in the very beginning of my letter that I thought the man acted unwisely in refusing to submit to the treatment, however loathsome and objectionable it might be, notwithstanding his conscientious religious scruples. But I am not the keeper of his conscience. You are, and may force him to violate his conscientious religious convictions—quite as well founded as your own—or suffer punishment that from a religious point of view is persecution. Of course, this can not continue very long in a free and enlightened country.

Of course, as the Acting Secretary very justly contends, a subordinate in the service could not be allowed to question the order of his superiors unless the order was unconstitutional or void for some other reason. He could not say, as I do unhesitatingly, that the order was unreasonable, unjust, and unnecessary, and the enforcement of it a violation of his religious rights. To allow him to say what I am saying, conceding the legality of the order, however unreasonable and unjust it might be, would be insubordination. It would put an end to all discipline. But this, under the circumstances, could hardly justify or excuse a sentence as severe as the one enforced in this case.

If I believed that this treatment is either necessary or efficacious I should feel quite differently about it. Or if the doctors and others claiming to have some knowledge of the supposed effects of serum therapy were agreed about it I should say that the Navy Department was justified in forcing men who are in its power to submit to it. But alleged experts do not agree about it. Many of them maintain that it is not only very uncertain as to its beneficial effects but extremely dangerous in its use.

Sincerely yours,

JOHN D. WORKS,  
*United States Senator*

[Telegram.]

BROOKLYN, N. Y., July 3, 1912.

Hon. JOHN D. WORKS,  
*Washington, D. C.:*

Kapsa is about to be court-martialed again for refusing a second time to submit to vaccine treatment. At this rate he will be in jail all his life.

RALPH K. JACOBS,  
*215 Montague Street, Brooklyn, N. Y.*

UNITED STATES NAVAL DISCIPLINARY BARRACKS,  
*Port Royal, S. C., July 7, 1912.*

Mr. JOHN WORKS,  
*United States Senate, Washington, D. C.*

SIR: I take pleasure in writing you a few lines to ask you for advice in my case, of which you were informed by Mr. Ralph K. Jacobs, of Brooklyn, N. Y.

I was court-martialed for refusing to submit to antitoxin treatment and received one year at hard labor, and was sent to Port Royal, S. C., to do my sentence.

Your letter to Mr. Meyer, it seems to me, did little good, and I would like to have you look into the matter and advise me.

I was sent for the other day and was asked to submit to the treatment by the doctor here at the disciplinary barracks, and informed him that I was doing a year at hard labor for refusing the treatment aboard the U. S. S. *Delaware*; but he informed me that it was orders to give the treatment to everyone that arrived here, and I was given to understand that I would have to take the treatment or I would be court-martialed again on another charge.

75560—14369



Am I to be made a criminal, Mr. WORKS, because I do not believe in this treatment?

I am a citizen of the United States, and still I haven't the right of a citizen, and if I am tried again I will receive two more years to my sentence and be sent to another prison, where I will either have to submit to the treatment or receive another court-martial.

Mr. WORKS, I am writing to you because I know you to be just, and if it were known that I had written and appealed to you, I would be punished for it, as it is not permitted. Our mail is read when we receive any, and it is also read before we are permitted to send any, but I will try to get these few lines to you somehow and trust you will receive them.

I may not be able to write to you again, but hope you will do me justice and look into my matter and help me, if you possibly can, as I certainly do not care to spend my life in prison.

I will close now, thanking you in advance. I beg to remain,

Respectfully yours,

JOSEPH JULIUS KAPSA.

JULY 8, 1912.

Hon. GEORGE VON L. MEYER.

*Secretary of the Navy, Washington, D. C.*

MY DEAR MR. SECRETARY: I have received a telegram from Mr. Ralph K. Jacobs, of which the inclosed is a copy.

Will you kindly let me know if it is true that the Government proposes to court-martial this man continuously while he is in prison for refusing to accept the serum treatment, as indicated by this telegram, and particularly whether a court-martial has now been ordered?

Sincerely yours,

JOHN D. WORKS,  
*United States Senator.*

JULY 13, 1912.

Mr. JOSEPH J. KAPSA,

*United States Naval Disciplinary Barracks, Port Royal, S. C.*

MY DEAR MR. KAPSA: You write me for advice in your case. You first refused to submit to the treatment required by the order of the Secretary of the Navy for the prevention of typhoid fever. This was a clear case of disobedience. You did so for conscientious reasons, but a soldier or sailor can not set up his own convictions, religious or otherwise, against the orders of his superiors. I have been trying to secure clemency in your case for this offense on the ground that you acted in good faith and from religious convictions, but I was bound to admit that you could not escape the punishment for a violation of orders on any such ground. Now you are confronted with another order of the same kind, or perhaps the same one, requiring you to submit to the same treatment in your present position. My advice to you is to submit to this treatment without further objection. If you had asked me in advance I should have told you to submit to the first treatment. I believe thoroughly and conscientiously, just as you do, that this order is unreasonable and unjust, but neither the Army nor the Navy could exist for any length of time if the soldiers or sailors could refuse to obey orders on any such ground as that.

I understand that you are a Christian Scientist, as I am, and that you refused to submit to the treatment because we conscientiously believe that no such treatment should be imposed on anyone, and particularly people like ourselves, who are conscientiously opposed to such treatment. But Christian Scientists are law-abiding people. They believe thoroughly in not only obeying but in maintaining law and order under all circumstances. They may use their best endeavors to change the law, as I think every reasonable and proper effort should be made to change the order of the Navy Department inflicting this sort of treatment upon their unwilling men. But so long as the law exists it should be obeyed by Christian Scientists as well as by others, and in your case orders of the Secretary of the Navy, or any other superior officer authorized to promulgate such orders, is the law so far as you are concerned, and should be and must be obeyed if order is to be maintained.

I will do everything I can to secure clemency in your case, but I can accomplish nothing for you if you continue to violate the orders of the Navy Department. I could not justify you in that course myself, and for that reason could not ask the Secretary of the Navy to reduce the punishment that has already been imposed on you so long as you continue in disobedience. So you will understand that your future punishment depends wholly upon your own conduct. If you obey the

order now sought to be enforced and express your willingness to obey the future ones, I may be able to succeed in securing pardon for you and your restoration to your former place in the Navy. But if you continue to disobey, of course I can do nothing for you. I sympathize thoroughly with your unwillingness to allow yourself to be subjected to this treatment. I am as much opposed to it as you are. But so long as you are in the Navy you must necessarily obey the orders of your superiors. My advice to you is to do so without further delay.

I note what you say about the probability of your being punished for sending me this communication. Of course I could not give you the advice you need without the knowledge of the prison authorities. I do not think that, under the circumstances, you will be punished for asking advice, in good faith, as to your rights and duties. If so, I should think less of the naval authorities than I do now. I think they are exercising what they believe to be their duty, and, as you are seeking to find out what is yours, they can hardly find reason to complain of you.

Sincerely yours,

JOHN D. WORKS,  
*United States Senator.*

JULY 13, 1912.

MY DEAR MR. SECRETARY: I have had no answer from you to my last letter relating to the case of Joseph J. Kapsa. Since writing that letter I have received a letter from Mr. Kapsa himself, with whom I have had no previous correspondence or communication of any kind, informing me that he has again been required to accept treatment for the prevention of typhoid fever and is threatened with further punishment. He asks for my advice as to what he should do. The whole thing is exceedingly revolting to me. Looking at it as I do, the punishment and repeated punishment of this man is wholly unnecessary and unjust. It is a violation of the sacred rights of an American citizen. Notwithstanding this, I have written him that he must necessarily obey orders or subject himself to punishment. I am sending you a copy of his letter to me and my answer, so that you may be fully informed of the situation and my views on the subject.

Sincerely yours,

JOHN D. WORKS,  
*United States Senator.*

HON. GEORGE VOY L. MEYER,  
*Secretary of the Navy, Washington, D. C.*

DEPARTMENT OF THE NAVY,  
*Washington, August 2, 1912.*

MY DEAR SENATOR: The receipt is acknowledged of your letter of the 29th ultimo relative to the case of Joseph J. Kapsa, seaman, United States Navy.

In reply thereto you are informed that on July 31, 1912, the department directed, in view of Kapsa's excellent conduct while at the disciplinary barracks, that the unexpired portion of his sentence be remitted after he has taken the typhoid vaccination, and that he then be restored to duty.

Faithfully yours,

BEEKMAN WINTHROP,  
*Acting Secretary of the Navy.*

HON. JOHN D. WORKS,  
*United States Senate:*

NAVY YARD, NORFOLK, VA., *August 11, 1912.*

The Hon. JOHN D. WORKS,  
*United States Senate, Washington, D. C.*

MY DEAR MR. WORKS: I take the pleasure in writing and informing you of my release from Port Royal, and that I have been restored to duty.

I have been restored as a seaman, and am waiting for transfer to a ship.

I submitted to the antitoxin treatment, as you advised me in your letter, and received the last of the treatment on August 7; so was restored to duty on the same day.

I am a Christian Scientist, Mr. WORKS, and that is the reason I refused to submit to the treatment, and not because I wished to violate orders of the Navy Department.

I only asked for my rights as a Christian and citizen, but could not obtain them because I was in the naval service.

Just because I was in the naval service I was compelled to obey the commandments of men in direct violation of the plain teachings of Christ, and if I possibly can obtain my discharge I would like to do

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so before a new order is issued by the Navy Department which would violate my religious scruples; so if you possibly can give me any information as to whether this is possible or not, it will be greatly appreciated.

Thanking you for your kindness, and God bless you, I wish to remain,  
Yours, in truth,

JOSEPH J. KAPSA,  
*U. S. S. "Franklin," Navy Yard, Norfolk, Va.*

AUGUST 13, 1912.

Mr. JOSEPH J. KAPSA,  
*U. S. S. "Franklin," Navy Yard, Norfolk, Va.*

MY DEAR MR. KAPSA: I shall be very glad, indeed, to do anything I can to secure your discharge from service in the Navy. I think, however, you are taking too seriously the obligations of a Christian Scientist as opposed to vaccination and other similar treatment. Of course, we do not believe in these treatments and do believe that there is a higher mode of healing, but there is nothing in the teachings of Christian Science that would obligate you or me to violate the law or any order of our superiors in the service because we are Christian Scientists. The right thing for a Christian Scientist to do is to obey the law so long as the law exists and to know that the treatment can not do you harm. A good Christian Scientist, if compelled by law to submit to vaccination, ought to be able to prevent its having any effect upon him, and that is the course taken by Christian Scientists in cases where the law of the States requires their children to be vaccinated in order to entitle them to enter the schools. If I were you and desired to remain in the service I certainly would not ask for a discharge on that ground. You can be just as good a Christian Scientist and your conscience should be just as clear if you continue in the service and submit to such orders for vaccination and other treatment as the Navy regulations may require. If I had supposed that to accept the treatment was to violate the religion that we profess, I should not have advised you to submit to it. There are thousands of Christian Scientists in the country to-day who are compelled to submit to vaccination and to other material means for the prevention of disease, and the fact that they submit to the treatment or remedies is in no sense a violation of their obligations as Christian Scientists. I hope you will realize this fully and not be misled into leaving the service on that ground alone if you otherwise desire to remain.

I will not take up the matter of your discharge with the Secretary of the Navy until I hear from you further after you receive this letter. If you still think you desire to leave the service, I will, of course, do anything I can for you.

I sincerely sympathize with you and admire the stand you took in refusing to accept the treatment; but, notwithstanding, I must say that I think it was a mistake which could not do you or your religion any good, however conscientious you were in taking that course.

With kind regards, I am,  
Sincerely yours,

JOHN D. WORKS.

U. S. S. "FRANKLIN,"  
*August 16, 1912.*

The Hon. JOHN D. WORKS,  
*United States Senate, Washington, D. C.*

MY DEAR MR. WORKS: Your letter received yesterday, and so answer it to-day, this being my first opportunity.

You will agree with me, Mr. WORKS, that it is for the good of the service that I leave it when you consider my position and the conditions under which I am and will be placed.

I will be looked upon as a man who refused to obey an order of the Navy Department, and that will prevent me from advancement, as it has in other men's cases.

If you will just imagine yourself in my place, you will see that I am right.

I am discontented and disgusted and make men I come in contact with feel the same unintentionally, so it is far better for me to leave and start over again somewhere else.

So if you will take the matter up and have me discharged, you will be doing the Navy as well as myself and my people a great favor, who have become worried since I have been in this trouble.

Hoping to hear from you in the near future, I beg to remain,

Truly yours,

JOS. J. KAPSA,  
*U. S. S. "Franklin," Norfolk, Va.*

AUGUST 17, 1912.

Mr. JOSEPH J. KAPSA,  
U. S. S. "Franklin," Norfolk, Va.

MY DEAR MR. KAPSA: I will at once apply to the Secretary of the Navy for your discharge. I am not familiar with the rules on the subject and do not know what may be necessary for that purpose, or whether or not the discharge can be obtained at all, but I will do the best I can for you, as you desire to take that course.

Sincerely yours,

JOHN D. WORKS.

AUGUST 17, 1912.

Hon. GEORGE VON L. MEYER,  
Secretary of the Navy, Washington, D. C.

MY DEAR MR. SECRETARY: A few days ago I received a letter from Joseph J. Kapsa, the gunners' mate who was recently court-martialed for refusing to accept the serum treatment required by the rules of your department, asking me to try and secure his discharge from the Navy. I wrote him that if he had no other reason than that he was conscientiously opposed to accepting these enforced preventive remedies because of his religious scruples, I thought he had better consider seriously whether it was a wise thing for him to leave the Navy, where, as I understand, he has made an excellent record. This morning I received the inclosed reply from him, which will fully explain his views and his feelings on the subject. I am satisfied that under the circumstances, if his discharge can be arranged it will be, as he says, best both for him and the service. I am therefore asking you whether under the rules and regulations of your department he can be discharged from the service; and if so, upon what terms? An early reply will be appreciated.

Sincerely yours,

JOHN D. WORKS,  
United States Senator.

DEPARTMENT OF THE NAVY,  
Washington, August 22, 1912.

MY DEAR SENATOR: I have received your letter of August 17, 1912, inclosing a communication herewith returned from Joseph J. Kapsa with regard to his discharge.

As Kapsa is now in his third enlistment he could only be discharged by special order of the department, and I would suggest he be advised to make an official application to his commanding officer for discharge, and, in view of the circumstances in the case, the department will be glad to give it favorable consideration.

As Kapsa is now in the third year of his present enlistment, he would be required to refund one-half of the honorable discharge gratuity paid to him at the time of his enlistment April 28, 1910.

Faithfully yours,

G. VON L. MEYER.

Hon. JOHN D. WORKS,  
Senate Chamber, Washington, D. C.

AUGUST 23, 1912.

Mr. JOSEPH J. KAPSA,  
U. S. S. "Franklin," Norfolk, Va.

MY DEAR MR. KAPSA: I have just received the inclosed letter from the Secretary of the Navy, which will explain itself. You will see that it is necessary for you to make application for your discharge to your commanding officer and also that you will have to refund one-half of the honorable discharge gratuity paid to you at the time of your enlistment April 28, 1910.

If these conditions are complied with I feel quite sure, from the Secretary's letter, that you can procure the discharge.

Sincerely yours,

JOHN D. WORKS,  
United States Senator.

Mr. President, I heard no more from Kapsa on the subject, and do not know whether he was discharged from the service or not. I have had a number of complaints just like his, but this one will sufficiently disclose the conditions that prevail in the Navy. They are the same in the Army. This same coercive system exists in the case of school children. They must be vaccinated and be inoculated with such vile serums as the



doctors prescribe, and the school authorities may order or lose their school privileges. They are not sent to prison as the soldiers and sailors are, but they are penalized. In the same way the rules of the Public Health Service are enforced by criminal prosecutions or in other objectionable ways.

When the people living along the Ohio and Mississippi Rivers were driven from their homes by floods last year, and were being furnished with rations by the Government, they were forced to submit to vaccination as a condition upon which they would be furnished with food. They must comply with the order of the health department that they be vaccinated or starve. To compel compliance with the order placards were posted on the relief boats, announcing in big letters, "No vaccinations, no rations." It was a brutal proceeding, that was denounced in many newspapers.

Many cases of disastrous consequences resulting from serum treatments have been brought to my attention. I can not refer to all or to any considerable number of them. They can be found in almost every community. The trail of the serum treatment is the trail of disease and death wherever it is practiced. In Los Angeles eight deaths occurred in the county hospital at one time from the use of what is called neosalvarsan, supposed to be a cure for syphilis. This case excited public attention because of the number slain at one time. In East New York the family of Robert E. Mercer, wife, and three children were given typhoid serum, and all died. The antitoxin used was procured from the health board. The following account of the case, given in the Los Angeles Tribune after the death of Mrs. Mercer and while the children were still living, sufficiently discloses the facts:

NEW YORK, June 16.

Friends of Robert E. Mercer, who died of typhoid fever at his home in New York on May 16, are determined that an investigation shall be made of the death of Mrs. Mercer and the pitiful plight of their two children, Herbert, 10, and Ruth, 5 years old, who have been dangerously ill since they were inoculated with serum at the same time as their mother.

Mrs. Mercer died Monday morning. The two children have steadily wasted away, and their condition is so serious that they have not been told of the death of their mother. Friends of the father, who was an employee of the Mergenthaler Linotype Co., will see that the children are well taken care of, and meantime they are instituting an investigation, which may result in a suit against the city.

Dr. Sydney E. Smith injected the antityphoid serum into the mother and two children after the father had been stricken with typhoid. He obtained the antitoxin from the board of health.

The Mercer children are now under the constant care of a nurse. They were perfectly normal children before they were inoculated. Now their bodies are wasted and so sensitive that they can hardly endure to be touched by those caring for them. Neither child is expected to live.

The death of Mrs. Mercer makes interesting the assertion of Charles H. Higgins, treasurer of the Antivaccination League of America, who claims it can readily be proven from death certificates and other statistics that there are more deaths caused every year in city and State from lockjaw and septicemia in vaccination wounds than by smallpox. He declares that among children the proportion is 3 to 1 in some years; in a published statement he challenges the board of health to disprove this assertion, and also challenges the board to permit a representative company of citizens to examine their death records.

About the same time Private Bellinger, of Troop A, First Regiment of Cavalry, died from the same cause, from serum procured at the same place.



At Rockford, Ill., a young child of Mrs. Frank Lagona died from diphtheria antitoxin a few minutes after it was administered. Indignation ran so high that the doctor who administered the drug was threatened by a mob and escaped from his office. In Greensburg, Ind., on October 25, 1911, the 9-year-old child of Mr. and Mrs. Woodhill died from the diphtheria antitoxin 15 minutes after it was administered. On January 29 last Norman Fusselman, aged 20 years, died suddenly from diphtheria antitoxin. This was in Philadelphia. Here is another case, taken from Medical Freedom, reproduced from the Lancet-Clinic:

In the Lancet-Clinic for April 25 Dr. S. P. Kramer told of a 5-year-old girl who was in good health March 29, became ill that night, and the following evening died when about 3 cubic centimeters of the second tube of antimenigitis serum were being injected. Dr. Kramer commented upon the child's death as follows:

"It is now a year since I called attention to the danger of injecting serum containing ticsresol into the subarachnoid space. This report has certainly gained enough publicity, and one might be justified in inquiring how long these accidents are to continue. As you are doubtless aware, all the manufacturers and distributors of serum are licensed by the Secretary of the Treasury. I brought this matter to the attention of the United States Public Health Department a year ago, but have been unable as yet to obtain any definite answer as to whether or not I am right in my contention. The distribution of the serum has gone on as before.

"I therefore shall take the liberty to appeal to my colleagues to aid in this matter and submit the following resolution, the adoption of which I hereby move: '*Resolved*, That the Academy of Medicine of Cincinnati respectfully requests the Secretary of the Treasury of the United States to institute an immediate investigation on the toxicity of the antimenigitis serum.' Seconded and carried."

I do not know what action, if any, was taken by the Secretary of the Treasury.

Cases of death from the use of serums and antitoxins of various kinds might be cited by the hundreds, but I need not pursue the subject here, because it is a fact well known to all intelligent people.

Mr. President, is this great sacrifice of the lives of innocent, unsuspecting, and unprotected people by such means necessary or justifiable? If we had any assurance that the lives of the comparatively few were sacrificed for the benefit of the many, and that the remedy that destroyed their lives saved many others, the use of these serums might be justified, or at least excused. But we have no such assurance. The use of them has met with the most strenuous opposition from doctors and others as not only useless, but dangerous. A serum for tuberculosis was one much boasted about as a remedy for that dread disease, but it has proved a failure and great disappointment. As showing how complete the failure has been, I quote from Medical Freedom of October, 1912, commenting upon the report made on the subject published in the Journal of the American Medical Association:

An extended report published in the Journal of the American Medical Association for August 3, 1912, of 150 cases of pulmonary tuberculosis treated with tuberculin affords typical illustration. This report is prepared by Dr. H. L. Barnes, M. D., superintendent of the State sanatorium, Wallum Lake, R. I. In opening his paper, this physician, enjoying such exceptional advantages for testing the treatment, states that the material for the report was derived from 150 cases of tuberculosis treated at the Rhode Island sanatorium extending over a period of five years from 1907 to 1912, inclusive. The report is very full and is plainly the work of a painstaking scientist earnestly striving to test the virtue of a treatment from which so much was expected. The con-

cluding lines of his paper give the result of his experiment in the following words: "This analysis furnishes no evidence that these 150 patients, taken as a whole, were influenced by the tuberculin treatment."

Even the Federal health authorities have at last come to realize the worthlessness of this treatment that was formerly heralded as one of the great medical discoveries of our time, for in the Public Health Reports for August, 1912 (issued by the National Government), in the official utterance of the Public Health Service tuberculosis sanatorium at Fort Stanton, Surg. F. C. Smith says:

"The use of tuberculin was discontinued at this station after the last series of cases reported in the 'Transactions of the Seventh Annual Meeting of the National Association for the Study and Prevention of Tuberculosis.' \* \* \* I believe, moreover, that there is a growing skepticism among sanatorium physicians as to the therapeutic efficacy of tuberculin and a general limitation of its use to private practice and those sanatoria where some special effort is needed on the part of the practitioner to keep in intimate touch with his patients; and, in short, that the benefit of tuberculin is limited chiefly to the effect of its administration on the mental condition of the patient."

It will be noted that there are no regrets expressed for the injuries resulting in many cases from the use of tuberculin.

Now, if we turn to the medical literature shortly after Dr. Koch made his hope-inspiring statements regarding his discovery of a lymph alleged to be a specific in the cure of this dread disease we will see how this supposed wonderful discovery, considered at that time as one of the greatest scientific achievements of the age, was merely an ignis fatuus. And yet so late as the autumn of 1908 we find the eminent Dr. J. Hammer, of Heidelberg, in an address delivered before the Sixth International Congress of Tuberculosis, held in Washington, D. C., speaking of the great importance of "bringing about a general use of tuberculin," which he describes as a "precious and successful remedy," whose use "will always prove a strong weapon in the combat against tuberculosis."

Serum therapy is as much the fetish of the old-school profession to-day, as was the inoculation with smallpox virus the death-dealing fetish of the same school in Great Britain during the eighteenth century. For though from the above recent citations it would appear that this treatment, as it relates to tuberculosis, is ready for the scrap heap the profession to-day is as much dominated by the supposed virtue of typhoid antitoxin as were the enthusiasts of earlier years with tuberculin.

Dr. W. H. Smith, formerly a member of the American Medical Association, writing in Medical Freedom, has this to say on the subject:

Official statistics published by Bertillon give a greater mortality rate under serum treatment than has ever been known during any preceding year before the discovery of this celebrated specific. Drs. Sevestra, Gaucher, and Legendre have been courageous enough to make known to the Société Médicale des Hopitaux the serious and frequent accidents to which the antidiphtheria serum gives rise, even when applied to the very simple cases of sore throat.

Rosenbach, the eminent German pathologist, says:

The bacteriologists, by means of fallacious conclusions, have established the dogma that all infectious diseases are caused by bacteria, and that all diseases in which so-called specific bacteria are found are infectious diseases. Since this unsubstantiated teaching has become so popular, and is matter of such common comment in the daily press that all the world is driven to really dangerous bacteriophobia, I fully appreciate the value of bacteriology as a biological science, but I raise my voice against the unjustified, the unwarranted claims of bacteriologists, especially of those whom one calls "nothing-but-bacteriologists"—the diagnosticians in absentia—with their disinfectants and measures based on unsupported theory.

The pictures and statements are fallacious and misleading, because they relate to an unproved theory and not to fact, as the vitiated evidence offered as statistical proof in favor of medical theories. Here are some wise words from the Medical Brief:

"The Pasteur Institute at Paris records 26,165 persons bitten by dogs and treated by Pasteur's treatment. Of this number 107 died. The institution thereupon assumes, and claims, that all the rest were saved by the Pasteur process. There is absolutely no evidence to show that any of the other patients would have developed hydrophobia—an

exceptionally rare disease, the existence of which is doubted by some of our ablest men.

"There is no proof to show that the dogs which inflicted the wounds were mad; neither is it shown that infection always follows contamination. Susceptibility and immunity are things not yet fully understood. The same method has been used to support other theories. Large numbers of children suffering from a variety of throat troubles, from the most insignificant sore throat to genuine diphtheria, have been treated with antitoxin in conjunction with the usual supporting remedies. All those who recovered were indiscriminately classed as antitoxin cures. The deaths were ascribed to the unavoidable fatality attending a grave disease. Where the cause of death points so plainly at antitoxin as not to be misread by anyone the death is explained away by argument, which forever condemns its use to an unprejudiced mind.

"Upon analysis of statistics, and comparison with previous death rates ruling at different periods, it is clearly shown that serum therapy has not lowered the death rate one particle. The much-quoted 10 per cent mortality has been the prevailing rate, except in isolated epidemics, for years. Flint, one of our best authorities in diseases of children, warns us that nothing is more misleading than statistical evidence as to the fatality of diphtheria, varying so widely at different times and in various epidemics. Also in this disease the diagnosis is very apt to be erroneous."

It is very well understood that these numerous serum remedies have been ineffectual. They have not been beneficial to the many, as statistics show. It is said by those who have investigated the question that the use of such remedies has not reduced the death rate in the least. I quote the following on the subject from the Pawtucket (R. I.) Chronicle:

#### NO DECREASE IN DISEASE.

Speaking of disease, here is another deplorable confession from no less an authority than the Medical Record. In spite of the army of physicians, their discoveries, and their hecatombs of vivisected guinea pigs, we may doubt, says the Medical Record, whether the sum total of diseases is any less than it was before the medical profession reached its present high standing. Preventive medicine has made "little headway," and "in the opinion of some medical men diseases are on the increase." In the deeper recesses of our consciousness we had suspected something of the kind ourselves, but such heterodoxy on the part of a layman would have exposed him to excommunication with bell, book, and candle, or at least with bacteria, serums, and antitoxins. But with the Medical Record behind us, we can afford to creep out into the open.

In Brain and Brawn, published in Los Angeles, this is said in its issue of October, 1913, on the subject of diphtheria antitoxin:

#### DIPHTHERIA ANTITOXIN.

Antitoxin does not cure diphtheria. Like the manufacture of other serums, it is a commercial enterprise that pours millions and millions into the coffers of the National Drug Co. Its use is encouraged by garbled statistics, every case of suspected diphtheria or of diphtheretic sore throat now being reported as diphtheria. With a few old horses the manufacturers of this stuff can get enough serums to infect all the boys and girls in the United States. It is more profitable than a gold mine.

Perhaps you doubt what I say, or may even disbelieve what I say, about diphtheria antitoxin. Well, then, let me refer you to the highest medical authority in the United States—to the Journal of the American Medical Association, the bible of the serum-injecting school. That publication recently said:

"Our present methods of prevention of diphtheria are admittedly far from satisfactory. \* \* \* *The use of diphtheria antitoxin for preventive purposes is not a practical success, because the antitoxin is eliminated too rapidly.*"

And this after we have been told for years that diphtheria has been entirely conquered by medical "science."

And the same publication has this to say on microbes and fear:



## THE GERM SUPERSTITION.

Of all the negative conditions the race is subject to fear is the greatest. We are born cowards. Our mothers feared for us before we were born. We came into earth life with a wail of fear. All who had anything to do with us feared something evil would happen to us. They were afraid we would "catch" cold or the measles or whooping cough or diphtheria or die of "summer complaint." Somebody feared all the time that we would get scalded or frozen or fall out of bed or downstairs or into the well.

When we were old enough to be afraid we feared our parents, our teachers, the minister, the dark, the devil, and even feared God, whom St. John says is Love. Later we were afraid of failure in business, of fire; afraid the election would start some one to tinkering with the tariff or our blessed money system. We were afraid on land or sea, or of fire and water, cold and heat, wind and hail, lightning and cyclone, earthquake and tidal wave, and yet we wonder why there are so many sick people.

The silliest of all fears is the fear of microbes. We laugh at the elephant because it fears a mouse, but the ignorance of the elephant in that respect is pure wisdom when compared with man's fear of contagious diseases and his senseless efforts to "stamp them out" by quarantine, disinfectants, germicides, lymphs, and serums. We constantly hear parents commanding children to wrap up in warm clothing during cold or stormy weather in order that they may not "catch" grippe or diphtheria, as though a microbe cares a flip how you are clothed. Some noted person goes for a month with his colon clogged with half-digested food all around from the cæcum valve to the sigmoid flexure. The doctors dose him with 17 varieties of drugs and mixed drinks, any one of which would make a healthy person sick unto death, and the patient dies "in spite of the very best medical attendance." The relatives, the press, the people, demand a name for the disease. A name! A name! My kingdom for a name! So the doctors say grippe or influenza or typhoid or appendicitis, and everyone is satisfied that the patient died in a perfectly regular, orderly, and proper manner.

But the following publication in the New York Times of January 21, 1911, with quotations, is one of the most severe arraignments of the medical profession and practice that has come to my attention:

It is now some four or five years since physicians in the Eastern States, and more particularly in the city of New York, began to complain that it was becoming more difficult for them to make a living. These complaints at first were sporadic, and found voice at comparatively infrequent intervals in the medical publications, appearing in the form of letters to the editor, reprints of addresses delivered before medical societies, and editorial comments upon the views expressed therein.

Various reasons were assigned for this shrinkage of incomes. The consensus of opinion, however, attributed the trouble to a combination of circumstances, which included overcrowding of the profession, the abuse of medical charity, lodge and contract practice for ridiculously small fees, and the increase of specialization with its attendant ridiculously large fees.

The outlook for the general practitioner's pocketbook grew rapidly worse. The complaints—based on fact, it must be admitted—became more insistent and remedies were demanded. Conditions to-day are so intolerable that it is well-nigh impossible to find an issue of a publication devoted to general medical topics which does not contain a disquieting reference to them. One such journal contained the statement in one of its issues of last summer that the incomes of physicians in this city had been reduced one-half in the two preceding years.

It is a fact that the profession is overcrowded. France has a population of some 37,000,000, and yet there are nearly as many doctors in the State of New York as there are in that country. The United States and Canada, with fewer than 100,000,000 inhabitants, support 120,000 physicians; but Great Britain, with 40,000,000 inhabitants, has only 32,000.

Dr. Norman Barnesby, of this city, has recently written a book bearing the title "Medical Chaos and Crime," which one might quite properly expect to have either of these effects if it should be widely read. It may result in reducing the incomes of the majority of medical and surgical practitioners to the vanishing point, or it may create such an upheaval that the profession, stimulated thereto by an

outraged and indignant public, will purify itself by eliminating the grafter, the incompetent, and the quack, and put medical education and hospital administration on a sounder basis.

This book of Dr. Barnesby's scatters tradition to the winds in that it is the most terrible arraignment of a profession by one of its members that could be conceived. It stands alone in the history of muckraking. Stockyard revelations and shameful civic exposures are tame and trivial incidents in comparison with the unspeakable horrors contained in its pages. Surgeons, both great and small, are charged with crimes ranging from minor mutilations to murders. The book reeks with stories of the coarsest brutality and the most refined cruelty, while the details of countless hideous blunders are of a character to make the honest and capable doctor blush with shame for the incompetence of certain of his fellows.

The author states that his book "is a criticism of the present standards and practices of the medical profession." In the prefatory chapter he states that the work "is mainly an exposure of the abuses that exist in the medical profession in this country—abuses that not only degrade the practice of medicine but contribute not a little to the physical and moral deterioration of the American people." Dr. Barnesby inveighs against what he declares to be the false standard of ethics which fetters the profession, and he has broken the shackles, so far as they may have bound him, in the publication of this work.

This is not the place to catalogue his monstrous disclosures. It is sufficient to explain that the reader does not have to take the author's word alone for them; he quotes liberally from the published adverse criticisms of scores of honest physicians.

Mr. President, the physicians need not look far to find reasons for the falling off of their practice and their fees. They have largely lost the confidence of the people. Their attacks upon their own profession, its practices, and its motives have done much to destroy public confidence in their work and their remedies. It is not to be wondered at that in their distress they are appealing to Congress and other legislative bodies for laws that will hold them up and destroy all other methods of healing. And Congress has responded to this appeal. The regular or allopathic school of medicine is in a very great degree living off the blind and unthinking support of the National Government. A large percentage of them are in the Government employ to the exclusion of everyone else. Other modes of healing have come into existence, because most people have come to know that the so-called regular doctor with his drug remedies is a failure. Whether they are better or worse than he they divide practice and fees with him, and do as much or more good than he and most of them much less harm. If they do not heal more people than the "regular" doctor, they take fewer lives, make fewer invalids, and burden less victims with deadly drug habits.

And this brings me to a brief consideration of this subject of habit-forming drugs administered by the regular doctors. I have said that I believed the doctors were responsible for more of the unfortunate drug fiends than any other cause. I am by no means alone in this opinion. I call attention to a few opinions by the doctors themselves bearing out this assertion.

I quote the following from the Milwaukee Free Press of October 18, 1912, quoting, in part, from Dr. A. H. Levings:

"I believe thoroughly with the convention of the National Druggists' Association that doctors are largely responsible for the drug habit, only I would put it more strongly and say that nine out of every ten cases are due to doctors," said Dr. A. H. Levings yesterday.

"The one class of patients to whom morphine should never be administered are those who get it most and where it does the most ultimate damage—nervous, hysterical, and, in some cases, undisciplined women. This kind of woman has a pain and the doctor gives her morphine, and the trouble is started.



"Of course it is an easy way for the doctor, and saves him a great deal of trouble to pull out his hypodermic syringe and quiet his patient, but it is this that makes morphine fiends.

"Doctors can avoid this and should avoid it by never using morphine except in most urgent cases, and in these cases not repeating the dose and never telling the patient what it is," said Dr. Levings.

"The exceptions to this general rule are found in those cases where the patient is afflicted with an incurable disease and tormented by terrific pain. Then it is the part of mercy to quiet the suffering, for the formation of the habit is not of great importance when a patient can live but a few weeks in any event.

"The great fault of doctors is that of giving morphine for inconsequential ailments."

Also, on the same subject, I take from the Chicago Post of its issue of December 11, 1912:

WASHINGTON, December 11.

The medical profession is doing more to spread the drug habit among the American people than all other agencies combined, was the indictment made by Dr. L. F. Kobler, Chief of the Drug Division of the Department of Agriculture, in an address before the forty-second annual meeting of the American Society for the Study of Alcohol and Other Narcotics.

Dr. Kobler declared that the hypodermic needle, which had been regarded as a great boon to mankind, has proved to be one of its greatest curses. He said the amount of opium used in the United States had increased about 100 per cent in the last 40 years, and charged that many physicians were drug users themselves.

And the Chicago Tribune of February 6, 1914, carries this dispatch from the city of New York:

NEW YORK, February 5.

Habit-forming drugs are sold here in "appalling quantities," Carl E. Whitney said to-day, speaking before the county medical society. Mr. Whitney, as assistant United States district attorney, had charge of enforcing the laws regulating the sale and use of these drugs. He asserted that upward of 100 doctors and druggists in New York are engaged in a drug traffic which threatens health and morals. One physician in a single month purchased on prescription \$2,500 worth.

"The drug habit," he said, "can be cured by legislation. It does not need segregation and societies for social uplift."

He recommended that the manufacture and importation of "dope" drugs be limited and the traffic regulated by a system of registration, which would make it possible to trace a container from the manufacturer to the dispenser.

Mr. President, these are tragic stories for which the doctors are responsible. Why should they wonder that intelligent people are afraid of them and that their practice is falling off. I have shown that while they are making drunkards and drug fiends Christian Scientists are healing them. Why, then, should they wonder that thousands of their former patients have left them and now go to Christian Science practitioners for their healing. And why, in the name of common sense and justice, should Congress, or any other legislative body, enact laws making it a criminal offense for a Christian Scientist to save the unfortunates whom the "regular" doctors have started on the downward road to ruin. I submit the following statement of conditions by Dr. Charles V. Chapin, superintendent of health at Providence, R. I., as reported in the Boston Journal of March 24, 1914:

"There is no evidence that quinine cures malaria; that pollution of a water supply is a cause of typhoid; that the typhoid germ is the cause of typhoid; that vaccination prevents smallpox; that antitoxin has decreased diphtheria to a great extent." These were the assertions of Dr. Charles V. Chapin, superintendent of health at Providence, R. I., in a lecture on preventive hygiene and medicine at the Harvard Medical School yesterday.

"There is no real reason for saying that bad air is bad," he continued. "We have no reason to assert that district nursing causes the decrease

of infant mortality. We have advocated the school inspection, though it proves to have no appreciable effect on the severity of infectious diseases in a community.

"Public health officers are likely to follow any plausible-sounding measure for sanitation like sheep. The way we have been removing adenoids and tonsils wherever we find them is an example of that. We need less faith and more careful, scientific study in our methods of municipal sanitation.

"All established forms of preventive medicine should be questioned. The more established and older they are the more they should be questioned. In fact, when consensus of public opinion is strong in support of any one method of treatment that method should be immediately investigated."

Dr. John B. Murphy, one of the leading physicians and surgeons of the country, has declared that vaccines are very "dangerous and wicked weapons to play with." He is quoted in the following forceful editorial in the *Jersey Journal* of September 5, 1911:

#### COMPULSORY VACCINATION.

"At the present time," said Dr. John B. Murphy, the retiring president of the American Medical Association, in an address at the recent medical convention at Atlantic City, "our knowledge of vaccines is extremely limited, and they are very dangerous and wicked weapons to play with."

Other scientists of the highest authority, among them Metchnikoff, have taken a similar position. Is it not extraordinary, then, that the Navy Department should adopt a policy of punishing seamen who refuse to be inoculated with the antityphoid vaccine? Recently a seaman named J. M. Holloman was ordered to the prison ship *Manila* for one year because he refused to be inoculated.

This was not only an instance of cruelty and oppression, but a demonstration of rank stupidity.

The New York Medical Journal takes the view that the claims put forth with so much confidence by the advocates of a compulsory use of the antityphoid vaccine in the Army and Navy may in reality rest upon improved conditions in sanitation. It says: "The exclusion of typhoid from the Texas maneuver camps last year may be credited to the same wonderful sanitation as in India and as in other camps freed from typhoid in seriously infected territory years before inoculations were tried."

Clearly there should be no compulsion about the adoption of alleged medical remedies which are only in an experimental state and in regard to whose virtue our best authorities differ.

And now the doctors are quarreling among themselves as to the virtue of quarantine in case of infectious diseases. Dr. L. M. Holn, State bacteriologist of Michigan, scouts all the old ideas, and declares quarantine causes more deaths than it prevents. On the other hand, Prof. Clyde Ross Newell, bacteriologist of the University of Illinois, takes just the opposite view. And a special committee of the Massachusetts Association of Boards of Health condemns the methods and extent of quarantines by the boards of health of the State and recommends radical changes in this respect.

So, Mr. President, wherever we look into the work of the medical practitioner we find incompetency, negligence, uncertainty, confusion, and differing views among themselves. Most of them are honest and sincere. Many of them are competent and skillful. Many of them are doing their best to elevate their profession and make it worthy and an instrument for good. But the great fundamental trouble is that their principle of healing is wrong. Their remedies are not only inadequate and ineffectual, they are dangerous to life and health. Doctors help by their presence and the confidence their patients have in them, but their drugs and the surgeon's knife kill and maim. There is a higher law of life and health than this, and they, in common with all mankind, must find it. There is a

principle of health and harmony that they have not found, nor have their unfortunate patients, who suffer and sorrow and die under a system of healing that ignores this principle and leans on material means. It is a broken reed. It has cost many precious lives that might have been saved. It has brought into the world and perpetuated many sorrows and much suffering. And yet, strange as it may seem, in an enlightened and Christian country this material and deadly system is being blindly imposed upon a protesting and suffering people by harsh and unjust laws and by placing over them with autocratic powers the men who have mistakenly devised and are practicing this ineffectual and dangerous system. Thousands, yea, millions of people, are crying out against these unjust and coercive laws, but Congress heeds them not. The hands of their oppressors are being strengthened day after day by new laws. Their rules and regulations, by which men's lives are guided and forced into wrong and dangerous ways, grow more and more unreasonable and harsh. Men, women, and children are being sacrificed by a false system, that violates the divine laws of health and harmony.

Mr. President, this is a matter about which there should be no coercion. It is as sacred as religion. And any law or regulation that forces action contrary to the honest convictions of a citizen is a violation of his most sacred rights and of the Constitution of the United States. I protest earnestly against such laws. I appeal to Congress to awaken and inform itself on this great question affecting life, health, and liberty, and afford relief to the people who are suffering under these unjust and oppressive laws. I am not asking for laws in favor of any class or mode of healing. I am asking only for freedom to follow their convictions of what is best for them. There should be no class legislation on the subject. I am only asking that they shall not be deprived of their rights and their liberties by adverse and restrictive laws in favor of and at the dictation of some other class.

### Radium.

Mr. President, I come now to consider, briefly, the question of radium as a cure for cancer. A few months ago it was heralded by some doctors as a sure remedy for that fearful disease. It was hailed with joy as the deliverer of those who suffer a thousand deaths from its dreadful ravages. A sympathizing world was ready to accept it. Congress was appealed to to enact such laws as would preserve the precious metal produced in this country in the Government, to be applied to healing purposes. If Congress could be assured that radium is indeed a cure for cancer, it could do no less than comply with this request and pass the bill for that purpose, now pending in the Senate. But the claim that radium is a cure for cancer has been effectually exploded by actual experience and declared by numerous competent authorities on the subject to be ineffectual for that purpose. I have already shown that there is a remedy for this disease that has healed many cases, but the doctors and the surgeons still maintain their position that there is no cure for cancer but the surgeon's knife, and when the knife can not be used the disease is incurable. If radium is not a specific for cancer, the passage of the radium bill would be

an act of inhuman cruelty. It would be taken as an indorsement by the Government of that remedy and would bring additional suffering, disappointment, and sorrow to sufferers from the disease, their relatives and friends, and bring no compensating results.

Briefly, I want to call the attention of the Senate to some of the announced opinions of doctors and others to the effect that the belief that radium will cure cancer is a delusion and that the claim for it is being made for speculative and commercial purposes. The following from the Los Angeles Times of date April 12, 1914, contains, in a brief way, the opinions of some of the most eminent members of the medical profession on the subject:

NEW YORK, April 11.

All hope of curing cancer by radium has been abandoned by some of the foremost surgeons and research workers of the country, who declared at last night's meeting of the American Society for the Control of Cancer that the failures of radium outnumber cures 100 to 1.

That nothing is of avail against the most dreaded disease but use of the knife was the opinion advanced by Dr. William H. Mayo, of Rochester, Minn.

Operation is the only cure, but radium or ray treatment is in order as a temporary palliative, where operations are impossible, according to Dr. Francis G. Wood, director of cancer research at Columbia University. "Failures from radium outnumber the cures 100 to 1," he said. "Another generation will be required," he said, "to furnish knowledge on the real cause and actual nature of cancer. Experiments for 35 centuries show that heredity plays small part if any at all in its appearance."

That a change in the habits and customs may reduce the disease to some extent was a ray of hope held out by Dr. Mayo, who also said any cancer could be cured if operated upon in its early stages.

"If we could only tell how to avoid it I would be glad, because I am frank to admit that we do not know," he asserted. He said that the statement that the use of meat was one of the habits to be avoided in connection with cancer prevention had been wrongly attributed to him.

The only optimistic note at the meeting was struck by Dr. J. Collins Warren, chairman of the Harvard Cancer Commission, who, after reviewing its work, stated that the prospect for progress in combating cancer had never seemed so bright as now. "Immediate discovery of the causes of cancer could scarcely be expected, but the scientific commission in research work had entered upon a field where progress was sure though slow," he declared.

The same paper, of date January 18, 1914, carries the following dispatch from London, England:

LONDON, January 17.

Apropos of Dr. Lazarus Barlow's report on radium treatment for cancer at the Middlesex Hospital this week, the Lancet protests against the publication in the lay press of optimistic statements which are not only inaccurate but also raise false hopes among the sufferers from this disease, and expresses regret that medical men should encourage such publication.

"In many instances," says the Lancet, "grievous disappointment and serious financial embarrassment have been needlessly added to the sufferings of the victims of the malignant disease by the publication of ill-understood medical evidence."

"The critical question is, How many cases of undoubted and inoperable malignant diseases have been completely relieved by radium treatment and remained apparently cured sufficiently long to give reasonable hopes of permanent relief?"

"The number must be small, we think, and permanent relief probably only occurs where circumstances are unusually favorable. Up to the present radium has brought us little, if any, nearer to the discovery of a definite cure for the malignant disease, and we feel that science is not benefited by allowing enthusiasm to outrun discretion."

The Lancet adds that no stress should be laid on Dr. Barlow's recent statement.



"It is of a pathologist having no responsibility for the treatment of any patients. The figures given are incorrect, and the statement has been repudiated by the surgical staff of Middlesex Hospital.

"The time has not come for any public announcement, however guarded, pointing to radium as a cure for cancer. Meanwhile any statement of the results obtained at the hospitals should clearly come from the medical staff who carry out the treatment and watch the results."

The following from the Journal of the American Medical Association, of date March 21, 1914, shows how the claim that radium carries remedial medicinal qualities is being commercialized as well as the unproved fact that it is effective as a cure for cancer:

#### STATUS OF RADIUM.

To the editor:

I have recently received several circulars from the Radium Chemical Co., Forbes and Meyran Avenues, Pittsburgh, Pa., which seems to be introducing radium drinking water, radium bath water, radioactive earth for external applications, radium compresses, and radium in ampules for intravenous injection.

The company and its methods are new to me, and I should be glad if you have any information on the subject to give to the profession, especially in regard to the efficacy of radioactive water and radium baths, of which the newspapers are saying so much of late and which I find are being adopted by some members of the profession.

WILLIAM H. VAN DER BURG, M. D.,  
New York.

Answer. Radium is still on trial in all its forms. Water containing radium emanations is presumably radioactive and may produce the milder effects of radium on the animal organism, but it must still be held as undemonstrated that these effects are of value in the treatment of constitutional diseases. While some clinical evidence has been introduced to show a favorable effect from these preparations, the interpretation of such evidence is always beset with difficulties; it is hard to separate the improvement which arises from psychic influences from that which rests on an objective basis.

It is notable that the conditions in which radium emanations are used, such as rheumatism, are liable to psychic impressions and are readily influenced by new forms of treatment which later lose their beneficial influence.

Like many other applied remedies, or supposed remedies, the use of radium has been an experiment that has hastened the death of many patients thus experimented upon. It has not only hastened, it has caused such deaths, that, as I have shown, could have been prevented by other means. The following brief extract from the Chicago Record-Herald, in its issue January 27, 1914, tells how it works in actual practice:

WASHINGTON, January 26.

Radium as a cure for cancer is still in an experimental stage, and its use in the treatment of internal cancer results fatally in a large percentage of cases, according to testimony given before the House Mines Committee to-day by William H. Campbell, director of the radium clinic of Pennsylvania.

Dr. Campbell told the committee that, so far as the deeper cancers were concerned, "we can not tell to-day what the outcome of the radium treatment will be."

"We can tell," he said, "that there is a disappearance of the tumor; that the radium causes the disintegration of the tissue of the cancer; but something is created in that disappearance which is absorbed by the blood and which kills my patients. Nobody can tell for four or five years what the ultimate result will be."

"How many of your patients have died as a result of your treatment?" asked Representative BYRNES of South Carolina.

Dr. Campbell said that two out of five of the cases treated ended fatally. He added that all were cases which would have resulted in death in a few months without treatment.

"I simply feel," he said, "that I've shoved those patients over a little bit sooner."



Here also comes the voice of Germany, through one of its medical experts, as reported in the Chicago Tribune of date January 3, 1914:

BERLIN, January 2.

"A gigantic swindle" is the vigorous description applied by Prof. Ernst Schweninger, of Munich, to the theory, prevalent throughout the world, that radium and mesothorium are the long-sought cure for cancer.

Prof. Schweninger, who is famous as the private physician of Prince Bismarck, airs his views in the January number of the *Neu Rundschau*. He says he can not and will not believe that the much-vaunted radioactive substances are the panacea medical men have been hunting for generations.

All the means hitherto used in treating cancer, he says, produce temporary amelioration but no cure.

"Radium and mesothorium," he says, "are simply new auxiliary means of treating cancer; they are certainly not a cure. In the last analysis they are no better than other inadequate means at our disposal."

Prof. Schweninger goes further and asserts that radium and mesothorium even have positively dangerous properties. They are often "too aggressive" and involve the risk of "entirely destroying adjacent tissues or neighboring organs."

Prof. Schweninger's article concludes:

"The whole business can only be described as madness."

Not only have the most capable experts declared that radium does not cure cancer, but at least one competent authority is reported to have declared that it actually causes cancer.

The following from the *Denver Post* of October 4, 1914, gives the views of Dr. Rovsing on the subject that should challenge attention:

#### RADIUM MAKES SOME CANCERS WORSE.

That radium may promote cancer, instead of checking it, is the conclusion forced on Dr. Rovsing, a well-known surgeon, by his tragic experiences in a number of cases. He found that exposure to radium apparently fanned into rapid malignant growth many small superficial growths which had hitherto been not at all serious.

Dr. Rovsing says he was unable to find any authentic case of an actual cure of a cancer under radium, but the chorus of encouraging reports overcame his first misgivings, and he began to apply radium himself in 1912. His extremely unfavorable experiences made him fear that his technic was at fault, so he took a trip to Heidelberg to study the technic in vogue there, and found that he had been applying it strictly according to rule in every respect.

Yet in many instances the exposure was followed by the transformation of an indolent growth into a rapidly gnawing cancer, becoming too serious for an operation in the course of a few days. He gives the details of 10 such cases. They were selected for radium treatment on account of the apparently peculiarly favorable conditions for this.

In one case a small tumor in the cheek, the recurrence of one which had been removed with the knife less than three months before, could easily have been removed, but as it seemed to invite radium treatment, this was applied for 20 hours. The tumor became in a few days much worse, and all who saw it were convinced that this was the direct result of the radium exposure, especially as case after case showed this same course.

The growth often became intensely painful shortly after the radium exposure. This was particularly evident in the case of a man of 29, who had been given the radium treatment at Omaha for a suspicious lump on his lower lip, which had been noticed for two years. After the radium exposure the lump began to grow rapidly, and when cut out it quickly returned.

This occurred again after a second operation.

The small ulceration in the scar and two slightly enlarged glands under the jaw were then treated with radium. The glands had been thus enlarged for two years without change, but after the last radium exposure the whole region at once became a rapidly fatal cancer.

Mr. President, I could go on indefinitely quoting opinions from competent experts declaring against the efficacy of radium as a remedy for cancer. But I desist. The Senator

from Colorado [Mr. SHAFROTH], when the radium bill was up for discussion at the last session, cited a number of these adverse opinions. I am not so much concerned about the restriction of the sale by the Government of radium-bearing lands. But I am greatly concerned about the avowed purpose for which such lands are to be reserved, for the reasons I have stated.

Mr. President, I have done. My appeal has been made to the sense of justice of the Senate and the American people. I would not abolish or overthrow the Public Health Service if I could. I would make it broader, more tolerant, more humane. I would have it presided over by a man of broad, tolerant, and humanitarian views, who could look beyond the dead line of the so-called regular school of medicine and seek for, find, and apply for the common welfare all that is good in every school of medicine, old and new, and all other methods of healing, saying none, favoring none. I would not allow any medical or any other professional practitioner of any other school of medicine or other mode of healing to preside over the Public Health Service. I would allow no preference to rule or control the service. As it is now governed, it is an auxiliary of the American Medical Association, and of course is biased, narrow, and unjust. The by-laws of the American Medical Association provide:

\* \* \* Commissioned medical officers of the United States Army, United States Navy, and the United States Public Health and Marine-Hospital Service shall be members of this association so long as they are engaged actively in their respective service and thereafter, if they have been retired on account of age or physical disability. These members shall not be required to pay dues, and shall not receive the Journal of the American Medical Association, except by personal subscription.

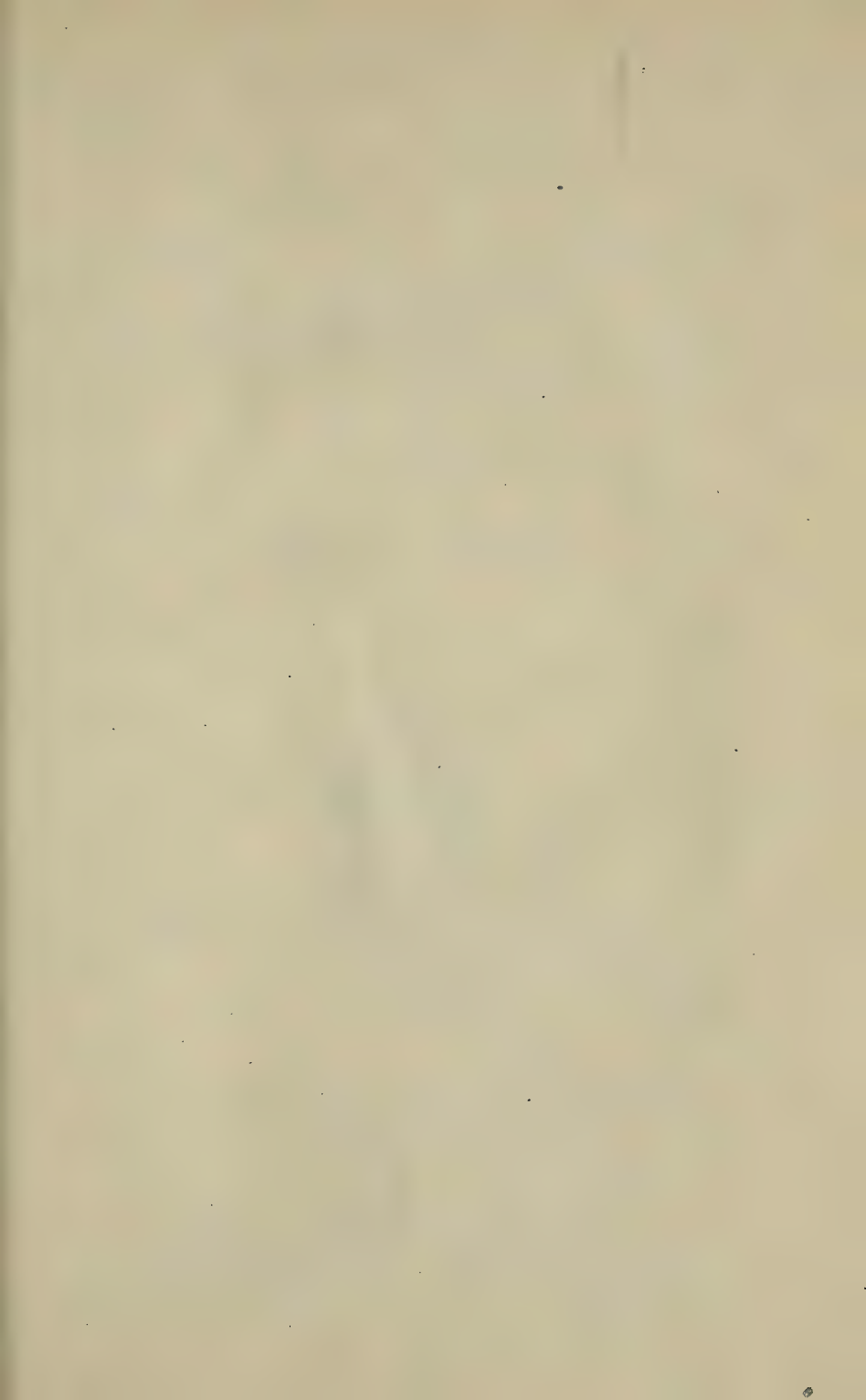
Thus are all of the medical officers of the Government made members of the association, and I am informed that none of them have declined to accept such membership. I do not question their motives or their good faith, but I do seriously question their judgment and the propriety of the health officers of the Government belonging to an association operated for the benefit of its own members. For every annual meeting of the association the following certificate is sent to such medical officers:

This is to certify that Dr. \_\_\_\_\_ is a fellow in good standing of the American Medical Association for 1914, and he is entitled to register at the Atlantic City session on presentation of this card. (United States Health Service.)

\_\_\_\_\_, Secretary.

The Government should see to it that the service is removed from any such influence and made the unbiased and honest searcher for the best that can be found as a means of preventing disease and preserving the public health. I ask no more than this, and I ask it for and in the name of the American people. The Government should grant them no less. I appeal to Congress for a fair, unbiased, and patriotic consideration of this great question that involves the health and happiness, the lives of our people.









1850

1915

# ORATION

OF

JOHN J. LERMEN



CALIFORNIA'S ADMISSION DAY  
SEPTEMBER 9TH, 1915

PANAMA-PACIFIC INTERNATIONAL  
EXPOSITION :: SAN FRANCISCO







1850

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# ORATION

OF

JOHN J. LERMEN

Past President Society of California Pioneers

CALIFORNIA'S ADMISSION DAY

September 9th, 1915

COURT OF THE UNIVERSE

Panama-Pacific International Exposition  
San Francisco, California

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OBSERVED UNDER THE AUSPICES OF

The Society of California Pioneers  
The Woman's Auxiliary of the Society of California Pioneers  
The Daughters of California Pioneers  
The Association of Pioneer Women of California  
The Native Daughters of the Golden West  
The Native Sons of the Golden West







*Herman*



California's Admission Day, September 9th, 1915

Address of John J. Lermen, Orator of the Day

Court of Universe, Panama-Pacific International Exposition

## LADIES AND GENTLEMEN:

Today a descendant of a Pioneer appears before you to address you on behalf of the Pioneers of '49. That fact, of itself, signifies that that great army of men who came to California in 1849 is now almost all but a memory. It is with a feeling of much diffidence that I, of the second generation, undertake even approximately to do justice to the memory of the men and women who have bequeathed to us a heritage of gigantic achievement, unmarred by any act, ignoble or unpatriotic.

It is an easy thing to enthuse over the deeds of our pioneers, as in loving memory and proud contemplation we think of the situation that confronted them in the days of '49, the manner in which they met it, the order that they drew out of chaos, and the society that they builded, rough hewn though for a time it might have been. It was a man's work that the Pioneers of '49 found laid out for them when they came here, and that work was performed by manly men in a manly way.

It was on the 24th day of January, 1848, that James W. Marshall, at Sutter's Mill, at Coloma, discovered that small nugget of gold that brought the first general recognition from the world that here, in California, was to be found a true El Dorado. Within a few years Marshall's nugget, worth in itself the paltry sum of fifty cents, when measured by the gold unearthed from the hiding places revealed by its discovery, has increased in value to over a thousand millions of dollars. The world's supply of gold was suddenly largely increased, and, with its aid, the world at large became bigger and better for it. New industries sprang into being and old ones were revived,

not in our country alone, but everywhere throughout the civilized world. But far above the value of the glittering gold was the new empire that the Pioneer developed for his country, large enough and fertile enough to support, not only in comfort but in luxury, a population far greater than what then was in the entire Nation.

And the march of the Pioneers began. While many came from South America, the Islands of the Pacific, and from the Orient, by far the greater portion of the number who started for California in 1848 and 1849 were from the eastern states of our own country. True Americans all of them, schooled in liberty, taught the rights and the principles of freedom, educated in the belief that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, and that among these are life, liberty, and the pursuit of happiness."

When our forefathers left their homes in the eastern states to come to this then distant land, they brought with them a physical endowment far above the average. The flower of the youth of our country were they. Naturally, and in keeping with the old adage, in such sound bodies were sound minds. With a full realization of the dangers of the march across the continent and of the voyage around the Horn, they brought with them a courage that could not be weakened, a determination that was not to be denied. Added to these endowments of a perfect physique and a clean and wholesome mind, they brought with them a knowledge of the principles of American freedom, of American government, and of American citizenship.

And so it was that our Pioneers fitted into the new country and with one another so quickly, so easily, and as if to the manner born, that notwithstanding the remarkable fact that from the adoption of the Constitution in November, 1849, until the formal acceptance of California as a State on September 9, 1850, California was without a government to enforce its laws, nevertheless this State enjoyed as much ease, as much happiness, and as much security for honest men and women as we



have ever enjoyed since our formal recognition as a State. Seldom, perhaps, has a more peculiar political situation developed than that which existed here in California during the period succeeding the adoption of the Constitution and before the admission of California as a State. Without any organic law to govern them, without knowing just exactly by what authority justice was administered, nevertheless order was maintained and the Pioneers went about their affairs just as though they were still citizens of the eastern states. Our Pioneers builded here a new community made up of men and women with real red blood, men and women who had little or no patience with crime and disorder, but nevertheless men and women whose predominating and characteristic trait in their relations with one another is best expressed in the old saying, "Live and let live." They, our fathers and mothers, lived in a land of toleration and they practiced toleration, perhaps, because they were not yet so far removed in point of time from their own ancestors who, in 1776, went to war for the sake of that same principle, "Live and let live."

And so they started here, some across the continent and others over the stormy seas and the rebellious waters of Cape Horn. An army of one hundred thousand they were, young and strong American citizens, each one of them nurtured in the cradle of American liberty. Down the sides of the Sierras they swarmed, gathering new strength with the satisfaction that at last they had reached the land of promise. In through the Golden Gate they sailed in a fleet of vessels so numerous that their masts transformed the placid waters of the bay into a forest. Up from the bay, and down from the mountain, the vanguard of the two Pioneer armies met where the plain joins the mountain, and the joyful acclaim of the one was hurled back, echo-like, by the exultant shouts of the other until they were all blended together in the one magic word, "Eureka."

There have been pioneers and pioneering expeditions as long as the world has existed. Sad to relate, but

nevertheless true, many of these pioneer expeditions were inspired only by the spirit of conquest. With such pioneers, victory meant despoliation and rapine to the unfortunate people in the unhappy land that might be touched by the blight of their invasion. "Like swarms of locusts they came, and devoured and disappeared, leaving no trace of their coming or their going but their own ravages." Or perhaps like moths, they were consumed by the fire of the civilization, whose light they might have darkened but whose fires they could not quench or destroy.

But the Pioneer of 1849 was animated by a wholly different motive. He came here to occupy this land, to civilize it, to improve it, and to make this an abiding place for himself and his descendants for all time. He came here in answer to the call of El Dorado. He came here to unlock the vaults, the doors of which were to swing open for him who held the combination. The combination was tireless energy, indomitable perseverance, and unshakable courage, and the Pioneer possessed all these.

It is hardly fair to the Pioneers to say that "They builded better than they knew." The archives of the Society of California Pioneers hold no more priceless evidence of the brain and the wisdom of the Pioneers, and especially of their leaders, than the orations of the men who from 1853 commemorated this day in addresses delivered at the exercises commemorative of the time and the occasion. Pervaded by a lofty spirit, breathing a promise of a future to San Francisco and to California that perhaps to some at that time might have sounded like a tale from the "Arabian Nights" and the product of an exaggerated fancy, nevertheless today those same prophecies, when measured by the conditions that prevail today, when measured by the Society that has been builded up, by the city that has been rebuilt, the city that *will* rise again even though the forces of an otherwise kind nature might for a time prevail against her, when

measured by the encouragement given to art, to music, to science, and to culture generally, when in fact measured coldly and calmly by the yardstick, or weighed in the tipping balance of a grocer's scales, those prophecies will be found each and all of them to have been fulfilled. The descendants of the Pioneers have not been found wanting. The Pioneer did not over-reach himself in his preparation for the days and the people and the conditions that were to follow from his beginnings. The pioneer of '49 knew just what he was building and it was with a firm, devout, aye, a religious belief in the absolute, unalterable, and unchangeable destiny of the land that he opened up and developed, that he proceeded with his work and was not swerved therefrom by fire or earthquake, by plague, epidemic, or other disasters, or by difficulties that were unique and peculiar because of conditions then prevailing in a land far removed from the world's centers of civilization.

The word "Pioneer" is of tender significance to us. Not only does it recall vividly the struggles, the hardships, the obstacles, and the successful overcoming of them that have endeared our Pioneers to us, but we are also reminded that the Forty-niner, within less than one year after his coming, founded here a political organization so completely endowed with all of the qualifications necessary for admission to Statehood that Congress could not well deny California's claims. True, the final act of admission was delayed until September 9, 1850, a period of about ten months from the time that California first knocked at the door of the Nation for admission into the Sisterhood of States, but the fact remains that she was admitted just as she had presented herself, after only about ten months of preliminary training and development.

The Pioneers of California are in a great measure the pioneers of the Nation, for directly and indirectly they opened up the entire Pacific Coast, West of the Rocky Mountains. With the advent of the California pioneer

in 1849, began the development of the vast empire of the whole Pacific Coast, which gave to the Nation an added wealth of gold and other precious metals, of timber, and other natural resources, in figures so immense that the human mind cannot appreciate their magnitude.

The early settlers of the eastern states had indeed tremendous obstacles to overcome. Hostile savage tribes had to be met and conquered, a vast wilderness had to be cleared, and the forms of government and of society adopted and order compelled.

All these things, also, the Pioneers of California were confronted with, and while the pioneers of Colonial times did their work and did it well,—and all honor, credit and glory to them for the doing of it,—nevertheless we, the descendants and the successors of the Pioneers of '49, may with equal pride point to the energy, the bravery, the courage, the perseverance, the intellect and the wisdom of our own California Pioneers as a fitting counterpart to the best that we may find in song or in story of Colonial times.

The pioneer of California came, saw, and conquered, but he conquered not with the arms of war but by the arts of peace. He came here not to subdue or plunder a great empire, but to found a new one. We Californians, animated by pride of State, are pleased to call this State of ours the most priceless jewel in the crown of the nation. It must be remembered that when our California Pioneer came here, he found that jewel a diamond in the rough, and it was he who, with incomparable artistry, gave polish and brilliancy to the finished jewel that we now are so proud of. It was he who, with reverend hands, placed it in the diadem of the nation where, among all the brilliant jewels, it shines out in splendor and effulgent glory.

Nearly fifty years ago today, the then orator of the day stated that, "With all due deference to the general intelligence of our eastern countrymen, and of our law makers in the halls of Congress, we may be permitted to say that



they fail to comprehend the greatness of the land in which they live." The burden of his complaint was, that the people of the eastern states at that time, who had never been to California, had no conception of the immensity of the empire between the Rocky Mountains and the Pacific Coast, no conception of its vast and varied resources, no conception of the possibilities it offered of a rich and profitable trade with the countries of the Orient.

A great many of us Californians today think just as the eloquent speaker did of fifty years ago today, and while we give second place to none in our loyalty to the estimable man and his advisers now controlling the policies of this Nation, and while we fervently hope that finally and not long in the future the situation will right itself, nevertheless it is with feelings of deep regret for the present, and of fear and trepidation for the future, that we see the fleet of vessels flying the American flag that has for years been the pride of every San Franciscan, swept from the ocean that connects our shores with those of the Orient. It is indeed with feelings of sorrow and sadness that we will shortly see the last of the vessels of this fleet leave the beautiful bay, upon the shores of which we are now standing, and for the last time wave over the waters of the Golden Gate the flag of the Nation we all worship and adore.

Who, of the old Californians, has forgotten "Steamer Day?"

We are reminded by it of the steamers that, before the completion of the transcontinental railroad line, sailed out of this harbor, carrying from us the treasures of the mine and the products of the soil.

We are reminded that twice a month, on "Steamer Day," we had a financial house cleaning.

We are reminded of the scenes of activity and of excitement, surrounding the incoming and out-going of this fleet of vessels.

"Steamer Day," and all the things that went with it, meant much to San Francisco and to California in those days. The ocean highway was for California, for many



years, practically the only means of transporting her wealth to the world outside. And we Californians still feel that transportation by *water* should today engage the solicitous care and attention of our rulers just as much as transportation by *rail*. We believe that the one can and should be made just as beneficial to this City and this State as the other.

For years the greatest boon that we, of California, have hoped from the completion of the Panama Canal, has been a return to the halcyon days of American shipping, before the coming of the railroad. It certainly has been a bitter disappointment to us that notwithstanding the completion of the Canal, the enactment of recent shipping legislation has resulted in a blasting rather than a fruition of those hopes.

May it be that this situation is only temporary, soon to be relieved, if not through the wisdom of our rulers, then by the kindly intervention of Providence.

It is true that we Native Sons take a boundless pride in our State. Sometimes, as we must admit, in voicing that pride we may be guilty of boasting. But never can we, nor do we, separate our pride in our State from our love of all the states.

When our minds, fired by love of State, conjure up for her virtues that perhaps may not be equally appreciated by those from without, when we behold our beloved California the goal, the end, the consummation of the march that for centuries upon centuries has been ceaselessly in progress, in obedience to the dominant idea that "Westward the course of empire takes its way," we are not forgetful that back of us are our compatriots who have remained behind to complete the work that the Pioneers laid out for them, and we rejoice that as the last forward march of the course of empire met the waters that mark the western limits of man's abiding place, the recurrent wave of prosperity that swept over our own beloved State also deposited its beneficent waters upon the other states of the Nation.

We, the descendants of the Pioneers, native sons of California, love our Nation just as much as we do our State, and if at times we must submit to the will of a majority that we, in California, think has been misguided because of a lack of true knowledge of the claims of the West, we nevertheless do so willingly and patriotically. But we must set ourselves about the task of educating our fellow citizens of the East in what California is, what she has done, and may do, and what she means to the Nation. It was in such a spirit as that that this great Exposition was conceived by us. It was not that we expected any profit in an immediate material sense from the management of the Exposition, but we did and do hope that by attracting to our City and State many thousands of our fellow citizens from the different states of the Union, we can make them feel, first that they are part and parcel of us, and we of them, and to that end we have extended ourselves in fulfilling to them the duties of hospitality. It was next our hope that coming into close personal contact and touch with us, they would with their own eyes see the things that they had merely read about, and with their own ears while within our State and City, hear the things that we were asking from the Nation; and thus, guided by their own personal experience, and moved by a spirit of fairness, grant to us, their western brethren, such consideration as in common justice, and as members of one great family, we are entitled to. We have nothing to conceal from the eyes of the most persistent investigator. Indeed, if anything, we have been perhaps over-zealous in exposing our failings rather than in concealing them. We have no apology to make for California. We have nothing to lose and much to gain by having the people of our country know us better. Their knowledge of us will prove our strength. As our country knows us better, we are confident that, if anything, our country will love us the more.

We have left with us today only a few white-haired old men to hear the eventful story of their contemporaries,

a story, however, that merely touches here and there some of the things that they, and the men who came with them to these shores over sixty-six years ago, accomplished not only for themselves, their city, and their State, but for their Nation, aye, even for the world. These reverend old men, the original Pioneers of California, have long since passed the stone that marked for them the summit of the roadway of life. For many years the sun of their lives has been sinking in the West that they and their fellow pioneers opened up and developed for us all, and their shadows have been ever lengthening in the East, gentle reminders to our friends of the eastern states that the last of the young men who left them some sixty-six years ago and more are passing away from the land that they helped to give to them. But these old men will carry with them, even the last of them, the love, the reverence of a grateful posterity, a love, and reverence, that will grow in intensity as the shadows of the valley of death become for them darker and deeper.

The dream of the Pioneer has been realized for these old men who still survive. A day-dream it was, too, for them and their contemporaries of sixty-six years ago. They did not underestimate the future and so did not underestimate the obligation that was upon them to prepare properly for that future.

The city that we have today, the effort and the achievement that have made her possible, and this World's Exposition that is even better than the brag, are all testimonials to the truth of the tribute paid to San Francisco by the then President of our country, "San Francisco knows how." The pioneers of '49 knew how. They knew how to build, and they builded as they knew.















Address  
**Blue Sky Legislation**

by

**JOHN T. McBEAN**

Secretary of the

California Association of Investment Corporations

before

The Southern California Retail Hardware and  
Implement Dealers' Association

At their Annual Banquet

Held at the Hollenbeck Hotel

February 19th, 1913



McBride Printing Co., 316 W. 2nd St.

# Blue Sky Legislation

All the Blue Sky bills so far introduced at Sacramento follow one of two theories—democracy or paternalism. Senator Lyon's bill comes under the former and Senator Gates' under the latter.

Senator Lyon is probably more radical in the purview of his act than is Senator Gates in the purview of his, but afterwards more democratic, more American; for, what Senator Gates hopes to achieve through a corporation commissioner, Senator Lyon would accomplish through publicity, a method that has been approved by statesmen and financiers as the best remedy for our financial ills.

Senator Gates, after excluding the interests from his definition of a foreign or domestic investment company, becomes exceedingly radical and paternalistic and places at least fifty thousand propositions now doing business in this state under the jurisdiction of a corporation commissioner with greater power than ever exercised by any Caesar, for in Section 5 of his act, he declares that whether or not an investment company may do business in this state depends upon the judgment of the corporation commissioner; which is to say, that no one not suitable, in his opinion, should engage in business or exploit any proposition which in his judgment did not seem likely to prove profitable; in other words, which he himself did not think he would be able to carry to a successful and profitable conclusion; and furthermore, not only to stop anyone with whose operations he did not agree from selling securities, but absolutely to prevent him from doing anything whatsoever in this state.

## MOTIVE BACK OF BLUE SKY LEGISLATION:

Now, in connection with Blue Sky legislation, let us make a brief observation of circumstances and events, that he who will may see the motive back of such legislation, which is not a part of the printed bill or act; for when I see the public being misled by the cry of "Stop thief", I am reminded of the Scriptures where it says, "For they that are such, serve not our Lord Jesus Christ but their own belly, and by good words and fair speeches would deceive the hearts of the simple."

It's a matter of experience that nearly all political battles have been battles between great financial interests, and when the people have exercised their right of franchise, it has been with scarcely any material gain to themselves. But in this fight for Blue Sky legislation, there is a different line-up,—the interests on one side, urging paternalism; the people, directly or indirectly, on the other, advocating democracy.

There is a well organized movement all over the country in behalf of Blue Sky legislation of the paternalistic type. This demand is not coming from the people and is not in harmony with the progressive slogan, "Let the people rule." In Oregon, the only state where the people have had an opportunity to express themselves upon this subject, they voted down a Blue Sky bill of the Kansas type by nearly nine thousand majority;

and this too when the act was approved, so we are told in the affirmative argument for the bill, by the commercial bodies, public officials, leading lawyers and business men, banks, newspapers and the general public.

## BANKS AND INVESTMENT COMPANIES COMPETITORS:

It is a self evident truth that the banking interests on the one side, and stock-selling concerns on the other, are competitors for the people's money; or, more definitely, the banks are reaching out for deposits; investment companies, as defined in the acts, are reaching out for stock buyers.

When the widows and the orphans, wage earners, and people of moderate means, put their money in banks, they receive but a low rate of interest, if any at all; but the stockholders of these banks where their money is deposited are the beneficiaries in the way of large dividends. I am informed that in 1910 the Fifth Avenue Bank of New York paid 230% dividend on a capitalization of \$100,000 to their stockholders. The First National Bank of Kansas City, Mo., paid 120% dividend on a capitalization of \$500,000 to their stockholders, while one bank in Los Angeles paid 24% dividend on a capitalization of \$1,500,000 to their stockholders.

When the rank and file purchase stock in an investment company, they immediately become a part of the corporation itself, and, like the stockholders of the banks, receive all there is to be made on wise investments under careful business management.

## BANKING INTERESTS AND MONEY TRUST:

Whether the banking interests of the State of California are a part of the money trust, or are back of the Blue Sky legislation in this state, you can determine for yourselves; but from the Ad-Crafter of February, on page 9, we quote the following:

"The agitation in favor of Blue Sky laws for this state by the bankers has caused considerable comment among real estate men and others."

Be this as it may, we learn from the records of the Bankers' Convention held at Long Beach last May that they passed a resolution, the tenor of which not only favored the passage of an "adequate law for the examination and control of stock-selling corporations," but instructed its legislative committees to co-operate with the legislative committee of the California Building Loan League and all civic bodies interested in progressive and protective legislation to secure the passage of such an act.

Mr. W. B. Frederick, in speaking to the resolution, said:

"I am interested not only from the standpoint of the Building Loan League, but as the founder of a National Bank, and at present one of its directors, and also an attorney in this state."

Mr. Frederick also said:

"It was the statement of Superintendent of Banks, Williams, this afternoon, that if the day of reckoning at present were to be had with reference to the corporations of that

character in California, the loss would be incalculable; you could not calculate it."

Holding a copy of the Blue Sky law of Kansas in his hand, he gave in brief the substance of the law, and in conclusion said:

"The present administration is heartily in favor of this law; Superintendent of Banks, Williams, is heartily in favor of it, or some suitable law that your legislative committee may approve, and the Executive Council of the Bankers' Association was unanimous in favor of it this morning. (Applause.)"

This cry of "Stop thief", suggested by the speech of Mr. Frederick and the resolutions adopted by the bankers at Long Beach in convention, spread like wild fire and was soon heard in every part of the state. The Los Angeles Realty Board appointed a committee to investigate and requested Senator Lee C. Gates to draw a bill that would meet the situation. Politicians over the state, with their ears to the ground, heard the noise, and declared that the people should be protected. The Progressive party, when they met at Sacramento, put the unprogressive plank in their platform advocating a Blue Sky bill of the Kansas type. The Democratic party, not to be outdone by the Progressives, put in their platform the undemocratic plank for a Blue Sky law like that of Kansas.

## SITUATION CHANGED:

So it comes to pass that in the beginning, we have the common people and the investment companies, as defined in the acts, on one side; the banking interests, the real estate interests and the politicians on the other. But since those days of paternalistic hysteria, there has been a decided change in the situation. The banking interests have been forsaken by the real estate interests; the politician, who went off half-cocked, sees the predicament that he is now in and is asking for a way out of his dilemma; while the people and the investment companies, as defined in the act, are where they were in the beginning,—asking for legislation, but asking that such legislation be democratic and not paternalistic; along the lines of publicity, and not regulation by a Czar!

## J. N. DOLLEY'S ARTICLE IN DEFENSE OF PATERNALISM:

The arguments advanced by those in favor of paternalism are interesting but not convincing, when carefully analyzed.

One of the late articles in defense of the Blue Sky law of Kansas, of which Senator Gates' bill is a counterpart, is to be found in the "Financier", under date of December 21, 1912, over the signature of J. N. Dolley, Bank Commissioner of the State of Kansas.

The article evidently was prompted by certain resolutions passed by the Investment Bankers' Association of America, held in New York in November, for Mr. Dolley says:

"My attention has been called to the fact that the Investment Bankers' Association of America, in convention assembled at New York City, criticised the Kansas Blue Sky



law as being paternalistic and against the interests of the Investment Bankers. It was claimed by some at that convention that it was based on wrong principles and that it should not be left to the judgment of any certain man or set of men to pass upon the prospects of any kind of investment covered by the Blue Sky law."

Later in the article he declares:

"I believe that the Kansas law is founded upon exactly the right principles, with the exception that special provisions should be made for the investment banker, or any other person, firm or corporation dealing exclusively in stocks and bonds."

In defense of the first proposition that he believes that the Kansas law is founded upon exactly the right principles, he does not demonstrate his proposition. For him to claim that the act "has saved the Kansas people more money during the time that it has been in operation than it takes to run our entire state government," is not proof that the Kansas act is founded upon the right principles, but it is only another proposition for him to demonstrate, and one that I have looked in vain for material to substantiate. The exception that he makes that "special provision should be made for investment bankers, or any other person, firm or corporation dealing exclusively in stocks and bonds," is not an exception to the doctrine of paternalism but merely an amendment to a paternalistic act.

Conceding that every argument advanced by Commissioner Dolley of Kansas, and those in this state who think as he does, is a self evident truth, the fact would remain that what is good for one state and the general welfare of its people may not be good for another.

## MASSACHUSETTS AND CALIFORNIA:

Massachusetts is located upon the Atlantic—California upon the Pacific. But, while our geographical, commercial and financial interests are not the same, we have more in common than do Kansas and California. Now, the Commission appointed by the legislature of Massachusetts over a year ago, consisting of the attorney general, the bank commission, and the corporation commissioner, after a year of investigation and study upon this subject, reported to the legislature on the 17th of last month that the Blue Sky law of Kansas, "Would not, in the opinion of the Commission, remedy the evils likely to appear in this Commonwealth."

So it is only fair to assume, in the light of the Commission's report, that a Blue Sky law beneficial to the State of Kansas could be absolutely detrimental to the State of California.

This leads me to my final proposition. Scarcely an argument advanced in favor of the Blue Sky law for the State of Kansas but is an argument against this paternalistic measure for the State of California.

## INCREASED BANK DEPOSITS INCREASE POWER OF MONEY TRUST:

The argument that the deposits in the banks of Kansas have increased from nineteen to more than ninety millions in two years, cannot legitimate-



ly be construed to demonstrate the proposition that this money would not have been saved had it not been for the Blue Sky law. But, it does demonstrate the proposition that a Blue Sky law enacted under the disguise of wanting to stop wilddcatting will increase bank deposits and furnish more money for the use of the money trust in New York; for it developed during the investigation of the money trust by the Pujo Committee that there are twenty-two thousand banks in this country outside of New York City, and that thirty-two New York financial institutions represented nineteen thousand and fifteen of these banks, with a combined capital, surplus and undivided profits of \$9,923,091,000.

The Financier of December 21, 1912, says:

"It was shown that the thirty-two New York banks and trust companies on November 1 of the present year, have made loans for out-of-town corporations on Stock Exchange and similar collateral aggregating \$240,848,000. This was in addition to \$483,000,000 on deposit in the New York banks to the credit of correspondents."

"In other words, according to the contention of the committee's expert, Wall Street, through bidding up the money rates had drawn \$100,000,000 from other parts of the country. It was the contention of counsel for the committee that nearly all of this \$100,000,000, which had been attracted to New York through the high money rate, was used for speculative purposes and was therefore withdrawn from the commercial and industrial channels which were suffering for ready fund."

What would it profit the common people, I ask, if by a paternalistic Blue Sky law they are deprived of the right to think, to invent, to co-operate, to invest, and be forced to place their money in our banking institutions to be used for speculation in Wall Street. What assurance have we, I ask, in the light of the recent investigation of the money trust, that such money would be safer in the banks than invested in California realty and investment companies.

## YARDSTICK OF KANSAS APPLIED TO CALIFORNIA WOULD CRIPPLE DEVELOPMENT:

Again we are told that out of 1,500 applications for corporation charters, less than one hundred have been passed by the Bank Commissioner, and our friends assume that because they did not pass, they were not good propositions; therefore, the people must have saved money; but these same people forget that it was on one man's judgment that they were not permitted to do business. The facts of the case are that less than ten per cent of the applications made for permission to do business in the State of Kansas was granted by the Commissioner. In the State of California there would probably be not less than fifty thousand propositions coming within the purview of the Gates bill. Now, the same rule applied here would mean that less than five thousand out of the fifty thousand

would be considered legitimate and profitable, under the yardstick used for measuring what is just, fair and equitable, by the Commissioner of Kansas.

But, you say, there is a difference. Many of the propositions in Kansas were not established and these are in California. Well, if that be the case, those in favor of the Gates bill will have to concede that if the Blue Sky law of Kansas had been in force in the State of California fifteen or twenty years ago, thousands of these companies that have developed the state and made California what she is today, would never have been permitted to start. Now, it is just as necessary for the State of California to encourage development today as it ever was. We are known all over the world as having within our boundaries the greatest opportunities for investors of any state in the union; consequently money is coming to us from everywhere. But some of our people, from a selfish motive and under the disguise of putting an end to wildcatting, would place at the entrance of our harbors, over the gateways of our railroads, "It is finished, it is finished." And this too at a time when fifty thousand tickets have been sold in Continental Europe for Los Angeles port, California. And this too at a time when we are to hold a world's fair at San Francisco, and at San Diego, where concessions will probably be financed by the direct sale of corporate and syndicate securities for the public.

#### COMMITTEE SUBSTITUTE:

A report has been circulated quite generally throughout the state that none of the Blue Sky bills presented to the Legislature at Sacramento will ever come out of the judiciary committee, but that a bill will be drawn by a sub-committee and presented as a committee substitute to the legislature for its final passage.

This is one of the dangers that confront the people upon this subject of Blue Sky legislation, for if we can judge the character of the committee substitute by the personnel of the sub-committee in the Assembly, we can scarcely look for any relief from that vicious doctrine of paternalism.

While the committee substitute may amend the Blue Sky bills as they relate to giving the commissioner or commission power to stop what may be a legitimate enterprise, they will probably accomplish the same end by a newly devised method.

This is not a hasty conclusion, but drawn from experience, and experience is good evidence, for all that we know in this world we gather from our own experience and that of others.

#### LET PUBLICITY BE THE PURIFIER:

I am for legislation. The California Association of Investment Corporations, of which I am secretary, went on record months ago for legislation, but not for a commission or commissioner with power to harass, to dictate and absolutely control investment companies; but for publicity, compelling every investment company that comes within the act to show every card in the deck; to make a full disclosure of all salient facts and allow the people to decide.

LEGISLATIVE  
vs.  
CONSTITUTIONAL CONTROL  
OF THE COURTS

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AN ADDRESS

IN OPPOSITION TO ASSEMBLY CONSTITUTIONAL  
AMENDMENT NUMBER 61

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BY JEREMIAH F. SULLIVAN

President, Bar Association of San Francisco

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DELIVERED BEFORE THE COMMONWEALTH CLUB OF CALIFORNIA  
WEDNESDAY EVENING, MAY 8, 1918

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# LEGISLATIVE vs. CONSTITUTIONAL CONTROL OF THE COURTS

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AN ADDRESS

IN OPPOSITION TO ASSEMBLY CONSTITUTIONAL AMEND-  
MENT NUMBER 61

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## ASSEMBLY CONSTITUTIONAL AMENDMENT NUMBER 61.

"Section 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, and in such other courts as the legislature by general law (subject to the referendum) may establish. Upon this section becoming effective the remaining provisions of this article other than section nineteen, whether adopted heretofore or contemporaneously herewith, shall become of the same force and effect as general laws and be subject to repeal or amendment by legislative act adopted pursuant hereto."

### Legislative History of Assembly Constitutional Amendment No. 61.

A short time ago the members of the Bar Association of San Francisco were summoned to a meeting for discussion of Assembly Constitutional Amendment No. 61. When notified of the meeting each member was requested to return to the President a card signifying his approval or disapproval of the amendment. The meeting was held and the Association declared that in its judgment the amendment should be defeated. Among the cards expressing approval of the amendment was that of my friend, Mr. Christopher M. Bradley, attorney for the Industrial Accident Commission.

A day or two after the meeting I met Mr. Bradley with some mutual friends, and twitted him with neglect in fail-



ing to attend the meeting and look after *his amendment*. He replied, "That is not my amendment; *I drafted that for my friend Senator Carr.*" He then asked me if I did not consider the amendment a case of *multum in parvo*. I replied that I most assuredly did. As a matter of fact, in all my reading of statutes and constitutions and amendments thereto, I have never encountered an assemblage of such few words capable of accomplishing such havoc among the organic provisions of a State Constitution,—capable of destroying absolutely a constitutional judicial department of Government.

### **What Happened in the Legislature.**

The amendment is designated Assembly Constitutional Amendment No. 61. A proposed constitutional amendment bearing that number was introduced in the Assembly by Hon. A. W. Carlson, of Fresno County, representing the 18th Assembly District. The amendment as introduced by him bears not even the remotest resemblance to Assembly Constitutional Amendment No. 61 as now before the people of the State for their suffrage. The official legislative history of the proposed amendment shows that on April 11, 1917, Mr. Carlson proposed an amendment to Article VI, Section 1 of the Constitution relating to judicial powers. As introduced it read as follows:

"The legislature of the State of California, at its regular session . . . hereby proposes that section one of article six of the constitution of the state of California be amended to read as follows:

"Section 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, superior courts and such inferior courts as the legislature may establish in any incorporated city, town, township, county or city and county.

"The legislature may, by a vote of two-thirds of the members of both house thereof, create appellate districts and define or change the boundaries thereof, and may abolish the same and may similarly provide additional judges of the existing or newly-created appellate districts of the state to be elected or appointed as in this constitution provided."

The first paragraph of the section is identical with the first section of the present Constitution.

On April 11th, the date of its introduction, the matter went to the printer. On April 12th, the day following, the printed amendment went from the printer to the appropriate committee. On April 18th, exactly one week from the date of its introduction, the original of the Carlson Amendment was reported back from the committee with a recommendation that it be adopted. On April 20th it was read, adopted and sent to the Senate. On the same day it was read in the Senate for the first time and referred to the Committee on Constitutional Amendments. Four days later, April 25th, just two weeks after the introduction of *Carlson's* amendment in the Assembly, *Carr's* substituted amendment was reported from the committee, with a recommendation that it be adopted. As amended and reported back favorably from the Senate Committee, its best friend would not recognize it as Carlson's Assembly Amendment No. 61. In its amended form it was not a mere amendment of Section 1 of Article VI. It affected every one of the 24 Sections of the Article and absolutely nullified 22 of them as constitutional provisions. On April 26th, the Carr amendment was sent to the printer. On the next day following it was read, in the Senate, adopted and sent to the Assembly. On the same day, April 27th, notwithstanding the absolute change made by the Senate, the Assembly concurred in the Senate amendment. Still on the same day it went to enrollment. It was reported correctly enrolled, and at eleven o'clock a. m. of that day, it went to the Governor. On May 4th it was filed with the Secretary of State as Chapter 75 among the Concurrent and Joint Resolutions and Constitutional Amendments. Another instance of *multum in parvo*—very much done in very little time.

I call attention to these details in the matter of dates for the purpose of showing the ease with which a matter of this magnitude may be passed through a Legislature and the apparent lack of close attention and study by the legislators of a matter of first importance to the people of the entire commonwealth. The introduction of the original amendment by Carlson was not during the first portion of the session at which legislative measures are ordinarily introduced. Between April 11th and April 27th the amendment passed through all the stages and through the appropriate committees of both houses of the Legislature. Sixteen days after the introduction of the original measure, by eleven o'clock

a. m. on April 27th, the amendment in its final form was in the hands of the Governor. This final form of the amendment was first presented by the committee to the Senate on April 25th and at once adopted as read on the same day. Neither during the sixteen-day period, nor at any time during the session of the Legislature, so far as I am advised, was there any public mention or discussion in the public press or in the committee of either house of this highly important subject of legislation. For months after the adjournment of the Legislature, neither the average citizen, of whatever calling, nor the average lawyer, knew that any such drastic amendment of the Constitution had been formally drafted or proposed for submission to the electors at the next general election.

To illustrate the lack of knowledge on this subject, I might state that I have been interested and somewhat active in calling attention to the amendment and promoting discussion thereof. As early as February of this year, I endeavored to secure prominent attorneys to present for the consideration of the Bar Association the objections which may be urged against the amendment. I spoke with three lawyers who easily rank among the first ten for caliber and character of the San Francisco Bar. No one of the three knew of the pendency of Assembly Constitutional Amendment No. 61, or anything of its character or scope. I have been endeavoring ever since to make sure that at least the lawyers of the State knew of the pendency of the amendment and its far-reaching effect on existing conditions.

As already indicated, Senator Carr, of Pasadena (a most estimable gentleman), is the accredited sponsor for the amendment. In all fairness, it may be proper to let him state in his own words his reasons for the amendment and the admitted scope and character of the same.

#### **Reason for the Amendment, Its Character and Scope, As Stated by Senator Carr.**

At the annual meeting of the California Bar Association held in Santa Barbara in September last, Senator Carr, in stating his reasons why Assembly Constitutional Amendment 61 should be adopted, among other things said (Proceedings of California Bar Association, 1917, pp. 70-72) :

### Senator Carr's Reasons for the Amendment.

"Signs are not wanting that there is a strong public demand for reform in our judicial system. The adoption, in 1911, by a decisive majority, of the recall amendment to the Constitution, applicable as it was to our judges, bespoke a changing attitude toward the judiciary. This demand may be seen again in the enactment and general acceptance of the public utilities act, the workmen's compensation act, the blue sky law, and the water commission bill. By these measures there has been *withdrawn from our courts cognizance of a large class of controversies*. That the *simple and speedy procedure of the administrative and quasi-administrative boards* provided for by these acts for the settlement of controversies has met with public approbation cannot be questioned. The fact that it has been found necessary to devise this new machinery for settling certain classes of disputes, and the ready acceptance of this new machinery by the public, should serve as a warning to the bench and bar that something must be done if the power, dignity and scope of our judicial system is to be maintained."

### Scope of the Amendment.

After quoting the language of the amendment, Senator Carr thus stated the scope of the amendment:

"This amendment is now before the people. That in some respects it is a radical one, no one will question. *If adopted, many things can be done by the Legislature. The manner of selection and tenure of our judges may be changed. Many, if not all, of our existing courts may be done away with and new courts created in their place. The jurisdiction of existing courts may be changed or that of new courts defined.* While certain other provisions of the Constitution place checks on legislative action, *these are not of such a nature as to tie the hands of the Legislature in attempting a solution of the problem which grave rise to the submission of this amendment.* For the purpose of this discussion, I think we may assume that *this amendment, if adopted, will give to the Legislature almost plenary power over our judicial system,* subject only to referendary review by the people.

While *this amendment* is radical, in the sense that it represents a change in the present constitutional policy of the state, it is interesting to note that it *finds conservative precedent in the Federal Constitution* and in some of the older state constitutions, such as those of *Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont, Tennessee and Kansas.*"

The Senator says the amendment would give the Legis-



lature *almost plenary* power over the judicial system. He might have spoken more correctly if he said the amendment gives the Legislature *plenary power*—absolute control over the courts and the judges thereof, from the highest to the lowest. He further says that the amendment “finds conservative precedent in the Federal Constitution.” Let us see if such is really the case.

**Is Article VI of the California Constitution as  
Reconstructed by Assembly Amendment No. 61  
Identical in Form or Substance with Article III  
of the Constitution of the United States?**

The author of the amendment, and those in favor of its adoption, all make the claim that the adoption of the proposed amendment would make Article VI of our California Constitution as amended of the same character as that portion of the Constitution of the United States, creating the Judicial Department and declaring the jurisdiction of the Supreme Court and Appellate Federal Courts. Is this claim warranted in fact?

Let us place the provisions of the Federal Constitution beside the judicial article of the Constitution of California as it would stand if the proposed amendment should be adopted. For convenience in comparing the two judicial articles after amendment, I have had both printed. A distinguished advocate of the amendment, Professor McMur-ray, of the University of California, has said of the amendment that it “is almost parallel, word for word, with the language of a Constitution that has served us pretty well for the 130 years of our national existence.” To enable you to discern the absolute parallelism of the two provisions, I have had them placed in parallel columns, and with your permission I will leave the slip showing the articles in parallel columns for your individual consideration.





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## Will the California Supreme Court Have Like Powers Under the Amendment to Those Possessed by the Supreme Court of the United States?

In the matter of the Supreme Court jurisdiction there is absolutely no similarity between the Federal Constitution and the proposed new Constitution of the Judicial Department of California. Our proposed organic law merely retains *the name without the substance of a Supreme Court*—leaves it a court in name without life or power—or, as the lawyers say, without jurisdiction. The Supreme Court of the United States is a tribunal with definite jurisdiction, with a power beyond control of the National Congress, a power greater than that of any other human tribunal. By the eighth section of the First Article, in defining the powers conferred upon Congress, it is provided that

“Congress shall have power to constitute *tribunals inferior to the Supreme Court.*”

While the Federal Constitution vests in the Congress power to constitute tribunals inferior to the Supreme Court, it is beyond the power of that Congress to constitute or reconstitute the Supreme Court itself. That court is by the Constitution itself created and vested with a power beyond the reach of the Congress.

Section 1 declares that

“*The judicial power of the United States shall be vested in one Supreme Court . . .*”

The second section provides:

“*The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof, and foreign states, citizens or subjects.*”

The proposed California amendment neither declares the jurisdiction of the Supreme Court nor invests it with any power.

The Federal Constitution continues:

*"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."*

Our amendment neither creates nor recognizes any jurisdiction, original or appellate, in our Supreme Court.

Speaking of the Supreme Court of the United States as constituted by the language above quoted, Daniel Webster, on January 4, 1826, said in the House of Representatives:

*"I look upon the judicial department of this government as its main support. I am persuaded that the Union could not exist without it."*

And yet such a court is said to be the prototype of the court created by the proposed amendment. Our Supreme Court would be supreme only in name, exercising in a subordinate capacity such functions as might be assigned to it by the *Supreme Legislature*.

### **The Greatest Function of American Courts Is That of Interpreting Written Constitutions.**

De Tocqueville, in his book entitled "Democracy in America," bears high testimony to the distinguished character of American courts in the framework of government and the great value of the power enjoyed by them of passing on the constitutionality of statutes involving the rights of the people. He says (Vol. I, p. 101):

*"The power vested in the American courts of justice of pronouncing a statute to be unconstitutional forms one of the most powerful barriers which has ever been devised against the tyranny of political assemblies."*

At another point, in speaking of the great power wielded by the Supreme Court of the United States under the authority conferred by Article III of the Federal Constitution, he says (Vol. I, p. 150):

*"The peace, the prosperity, and the very existence of the Union are vested in the hands of the seven judges. Without their active co-operation the Constitution would be a dead letter; the Executive appeals to them for assistance against the encroachments of the legislative powers; the Legislature demands their protection from the designs of the Executive; they defend the Union from the disobedience of the States, the States from the exaggerated*

claims of the Union, the public interest against the interests of private citizens, and the conservative spirit of order against the fleeting innovations of democracy. *Their power is enormous, but it is clothed in the authority of public opinion. They are the all-powerful guardians of a people which respects law, but they would be impotent against popular neglect or popular contempt.*"

**Chief Justice Marshall's Declaration as to the  
Great Power Exercised by the Supreme Court  
of the United States Created by the Judiciary  
Article of the Federal Constitution.**

In the celebrated case of *Marbury vs. Madison* (Secretary of State), 1 Cranch 137; (2 L. Ed. 60), the greatest of American Chief Justices discussed the theory of the Federal Constitution and the power of the Supreme Court of the United States to declare void a statute passed by the Congress of the United States.

At page 176 of the Report (L. Ed. 73) we find this language of the Chief Justice:

*"That the people have an original right to establish, for their future government, such principles, as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.*

*"This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.*

The government of the United States is of the latter description. *The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? . . .*

*"If an act of the legislature, repugnant to the constitution, is void, does it, notwithstanding its invalidity, bind the courts, and oblige them to give it effect? . . .*

*"It is emphatically the province and duty of the judicial department to say what the law is. . . .*

*"So if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case con-*



formably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. *This is of the very essence of judicial duty.*"

### **The Proposed Amendment Destroys One of the Co-ordinate Branches of Our Government.**

The distinguished legislators and professors who advocate the adoption of Amendment 61 tell us in all seriousness that the language of the Federal Constitution above quoted and interpreted, creating and regulating the jurisdiction of the Federal Court, is of like character with that of the amendment which Senator Carr has brought before the people of California to be made a part of our organic law.

Are the two documents parallel, word for word, as the advocates of the amendment claim? Read them for yourselves and arrive at your own conclusion.

The Supreme Court left to us by the amendment, in the discretion of the Legislature, may or may not be the court of last resort of the State of California. Should some Supreme Court in some later day render a judgment at variance with the temper and momentary judgment of the Legislature, a court for the correction of errors may be devised to override and overrule the Supreme Court, whose personnel, whose jurisdiction, whose right to pronounce judgment will be in the hands of the Legislature,—to regulate as it will.

The judicial article of the Federal Constitution and the amendments thereto were in the nature of constructive legislation, building up where no structure had before existed. The amendment here proposed for our suffrage is destructive in its every element of a system whose structural defects are not pointed out for us. It eliminates from the Constitution every element of judicial structure to which we have been accustomed. It removes from its paramount position the Supreme Court, hitherto permitted to say whether or not the Legislature was transcending its power, and whether or not the executive was going beyond the path marked out for him by the people of California in their supreme law as written by them in their Constitution. Henceforth the Supreme Court and the other courts of our judicial system, if this amendment passes, shall not constitute an independent, co-ordinate department of Government vested by the

people of the State with a part of their sovereign power. The highest depository of the people's power under the new rule will be the Legislature, and the executive and the judicial departments alike must bow to its domination.

### **What the Proposed Amendment Eliminates from the Constitution.**

Let me call your attention to some of the matters eliminated from our Constitution by Senator Carr's amendment.

The proposed amendment devitalizes Section 1 of Article VI, leaving only a dead judicial department survived by a very live Legislature. Twenty-two other sections of the article are bodily eliminated from the organic law. One section, however, is saved from the general ruin. We still have left to us Section 19, which provides that

"Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law."

If we no longer have the supremacy of courts, we shall still have the supremacy of juries, and this insistence on the continued power of juries to determine facts, without competent advice or suggestion from trial judges, is made by gentlemen who at the same time insist that many controversies are better determined by administrative commissions than by courts of justice. In these administrative commissions, no juries are permitted to exercise any voice. In these commissions no elective judges dispose of judicial or quasi judicial matters. Their personnel is constituted by the executive. The determination of questions of fact and law submitted to them for determination is regulated, not by judicial precedent, not by the ordinarily established rules of evidence laid down by legislatures, but by the judgment of those appointees who temporarily fill the places of power.

It seems strange that to the same mind it appears to be the part of wisdom to magnify the importance of the freedom of juries to minimize the importance of having trained men elected by the people to declare without fear or favor the established law of the land, according to recognized rules of evidence and procedure.

Let us see some of the other things which this amendment eliminates from our organic law.

The present court, consisting of the Chief Justice and six associate justices, as also its mode of doing business.

is provided for in Section 2. That section is absolutely eliminated. Section 3 provides for the *election of justices*. Under the new regime justices may be appointed and their number may be limited and their tenure and compensation fixed by the Legislature, and increased or diminished at pleasure.

Section 4 defines the jurisdiction of the Supreme Court and the District Courts of Appeal. Our proposed new Constitution will have no definition of jurisdiction of any court, and will have no District Courts of Appeal.

Section 4 $\frac{1}{2}$ , adopted November, 1914, introduced a salutary rule for the government of appellate courts in deciding appeals. It provided that

"No judgment shall be set aside, or new trial granted, in any case, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter or procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice."

The law as thus declared has aided materially in the administration of justice, yet that rule goes by the board.

Section 5 defines the jurisdiction of our superior courts. But neither the superior court, nor its jurisdiction, has any place in the new Constitution of 1918.

Section 15 prohibits judicial officers from receiving to their own use any fees or perquisites of office. That salutary provision should have the force of constitutional law.

Section 17 provides that as to justices of the Supreme Court and of District Courts of Appeal, and judges of the Superior Courts, salaries "shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected." The reform of our judiciary requires the abolition of this rule.

Section 18 renders ineligible justices of the Supreme Court and Appellate Courts and judges of the Superior Courts to any other office or employment than a judicial office or employment during the term for which they shall have been elected. This seems to the ordinary mind to be a wise provision, tending to withhold judicial officers from the questionable procedure sometimes resorted to by politicians for their own advancement.

Section 22 prohibits judges of courts of record from practicing law in any court of this State during their term of office. Such should be the law. Apparently necessary reform prescribes otherwise.

Section 23 renders ineligible to the office of justice of the Supreme Court or District Courts of Appeal, or Superior judge anyone who has not been admitted to practice before the Supreme Court of the State. Under the new rule required by reformers, it will no longer be necessary for an incumbent of a judicial office to know the law which he presumes to administer.

Section 24 requires each judicial officer in presenting his salary demand to make affidavit "that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days." That provision first became part of the organic law of California by its insertion in the Constitution of 1879. The lawyers and other members of the Constitutional Convention who inserted the provision were familiar with facts that warranted such law. Causes really should be determined within ninety days of their submission. In the years preceding the situation of '79, cases in some of the old district courts had remained undetermined for years after submission. That was the fact especially in the case of the old 15th district court.

### **What Are We Offered in Return?**

In place of all this matter destroyed by the few words of the new Article VI, what is given us? In return for all we surrender, we get—and presume we should be thankful for—*the supremacy of the Legislature*. At each session as they assemble the legislators will determine what it is good for the people of California to have in the way of courts, to have in the way of judges. The stability of our judicial system and the permanency of the tenure of our judicial officers will both have vanished.

### **Amendment No. 61 Does Not Follow the Lines of the Constitution of Massachusetts in Regard to the Judiciary, Nor Those of Any Other New England State.**

Next after the claim that Amendment No. 61 is built on parallel lines with the judiciary article of the Federal Constitution, it is boldly asserted that the amendment finds



"*conservative precedent*" in the Constitutions of the several New England states.

Senator Carr's language with reference to this matter is as follows:

"While this amendment is radical, in the sense that it represents a change in the present constitutional policy of the state, it is interesting to note that we find *conservative precedent* in the Federal Constitution and in some of the older state Constitutions, such as those of Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont, Tennessee and Kansas."

The mention of Kansas in the same list as the other states is an evident inadvertence. Kansas has a very full judicial article in its Constitution (Article III), containing twenty sections, creating and defining the courts of larger jurisdiction and providing for the tenure of judicial officers.

The first section of this judicial article is in this language: (Kettleborough Const. 453):

"The judicial power of this state shall be vested in a supreme court, district courts, probate courts, justices of the peace, and such other courts, inferior to the supreme court, as may be provided by law."

In these discussions of Amendment No. 61, much mention is made of Massachusetts, because of its first rank as a New England State. Massachusetts deserves much better treatment at the hands of the California bar than to be charged with offering a precedent or prototype for the proposed new judiciary article for the California Constitution. The framers of the fundamental law of the Commonwealth of Massachusetts treated the subject of the judiciary in vastly different style from what is here proposed.

The Massachusetts Constitution was adopted in 1780. It was an original, constructive framing of a plan of *future* government. It was not dealing, as we are here, with an established constitutional form of government; with the recognized status of a living, effective organization of its judiciary. The Massachusetts Constitution of 1780 was a *constructive* effort. The proposed California amendment of 1918 is in its essence a violently *destructive* effort. The Massachusetts Declaration of Rights, Subdivisions XXIX and XXX, is in this language:

"XXIX. It is essential to the preservation of the , rights of every individual, his life, liberty, property and



character, that there be *an impartial interpretation of the laws, and administration of justice of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit.* It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the *judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.*

“XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them. The executive shall never exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: *to the end it may be a government of laws and not of men.*”

The main underlying purpose of the Massachusetts Constitution, as of every other American Constitution, was that it might establish the clearly expressed written declaration of the law of the sovereign people—“to the end” that the government defined by it should be “*a government of laws and not of men.*”

Subdivision IX, Chapter 2 of Section I of the Massachusetts Constitution, defining Executive Power, provides that

*“All judicial officers shall be nominated and appointed by the Governor, by and with the advice and Consent of the Council.”*

The Massachusetts legislature controls neither the selection nor tenure of judicial officers, unless on direct proceeding for removal.

In Chapter 3 of the same constitution, referring to the judiciary power, it is provided that

*“All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this Constitution. . . .”*

This provision for appointive judicial officers embraces justices of the peace, but as to them it is provided that in the case of justices failing to discharge the duties of their office with ability or fidelity, commissions shall expire *seven years* from their respective dates. Elsewhere it is provided that

*“Judge of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.”*

The provisions of the Massachusetts Constitution above quoted show that the main effort of the Constitution makers of Massachusetts was directed "to the end that it may be a government of laws and not of men." The Massachusetts Constitution maintained absolutely the three distinct departments of government, forbidding the legislative department from exercising judicial powers. It provided for judicial tenure of office during good behavior, except in case of direct proceedings for removal of a judge. It certainly did not leave the road open, as does the proposed Constitution of California, for the removal of judges as a matter of ordinary legislative procedure without any direct proceeding therefor or the assignment of any cause for removal. In Massachusetts removal of judges was to be accomplished only by unusual or extraordinary special procedure.

CONNECTICUT CONSTITUTION (Ket. Const. 238). I consider it a libel on my native State of Connecticut to say that it offers a prototype for the proposed new Constitution of California.

Article II of the Connecticut instrument provides that

"The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to-wit, those which are legislative, to one; those which are executive, to another; and those which are judicial to another."

Section 1 of Article V (Ket. Const.) 242, provides that

*"The judicial power of the state shall be vested in a Supreme Court of Errors, a Superior Court, and such inferior courts as the General Assembly shall, from time to time, ordain and establish."*

It is further provided in Section 3 that

*"The judges of the Supreme Court and of the Superior Court shall hold their offices during good behavior; but may be removed by impeachment; and the Governor shall also remove them on the address of two-thirds of the members of each House of the General Assembly."*

MAINE CONSTITUTION. The judiciary article of the Maine Constitution is not like our new California article.

Section 2 of Article VI, defining the judicial power of the people of that commonwealth, provides that

*"The justices of the Supreme Judicial Court shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward."*

Section 4 provides for *definite terms* for judicial officers, subject to impeachment or removal by executive on address of both branches of the Legislature. In that State all judicial officers are appointed by the Governor "with the advice and consent of the *council*", a body provided in some of the New England states to act with the Governor in the matter of appointments.

NEW HAMPSHIRE CONSTITUTION. Article 45 of the New Hampshire Constitution provides that all judicial officers shall be nominated and appointed by the Governor and Council and that no appointment shall be made unless a majority of the Council agree thereto.

Sections 72 to 80, inclusive, of that Constitution relate to the judicial power of the state. It is provided that *all judicial officers except justices of the peace shall hold their offices during good behavior*, subject to the usual provisions for removal upon address. Justices of the peace hold for five years, at the end of which the Governor and Council have authority to renew the appointment or designate some other person to fill the office.

RHODE ISLAND. In the discussions of this question, Rhode Island has sometimes been referred to as affording, if possible, greater opportunity for control of the judiciary by the Legislature than is possible under Amendment No. 61. The language of the Constitution of that state in my opinion does not warrant any such claim. The 12th Amendment to the Constitution of that State (ratified November 3, 1903 (Kettleborough State Const., p. 1218), in Section 1, provides that

*"The Supreme Court shall have final revisory and appellate jurisdiction upon all questions of law and equity. It shall have power to issue prerogative writs, and shall also have such other jurisdiction as may, from time to time, be prescribed by law. . . . The inferior courts shall have such jurisdiction as may, from time to time, be prescribed by law."*

It must be conceded that the Rhode Island Constitution does allow very large latitude to the Legislature in the matter of the appointment and removal of judges. Judicial tenure there must be uncertain in times of great political excitement.

The Constitution reads:

*"Each judge shall hold his office until his place be declared vacant by a resolution of the General Assembly to that effect. . . ."*

In a conservative commonwealth such tenure may be the equivalent to holding during good behavior. No other American Constitution contains a like provision. Certainly the example of Rhode Island is not sufficient to induce the people of California to break away from the association of the great body of American states, and from its rule enforced for well nigh seventy years to align itself with this, the smallest of the New England states.

TENNESSEE. Tennessee has not framed its organic law on parallel lines with our proposed judiciary article.

Article VI of that Constitution, establishing the judicial department, provides that the judges of the courts shall be elected. Our new article makes no such provision. The first section of the article provides that

"The judicial power of this state shall be vested in one Supreme Court, and in such Circuit Chancery, and other inferior courts as the Legislature shall, from time to time, ordain and establish."

Just as in the case of the Federal Constitution, the power of the Legislature is confined to creating courts inferior to the Supreme Court. In that state judicial salaries may not be increased or diminished during the time for which judges are elected.

VERMONT. The Vermont Constitution is more nearly like that of Rhode Island than the Constitution of any other American state, but even there *the judges are elected for definite terms of two years.*

A careful examination and analysis of the Constitution of every American state justifies the statement that the adoption of the proposed Assembly Constitutional Amendment No. 61 and its substitution for our Judiciary Article of the California Constitution would be without parallel or precedent in the adoption or amendment of the Constitutions of American states.

**The Independence of the Judiciary Must Be  
Perpetuated in the Government of Our State  
"To the End That It May Be a Government  
of Laws and Not of Men."**

For upwards of 130 years democracy has prospered in our national and state governments, largely because the principle has been asserted and maintained that Americans maintained the belief that free government, in the best sense of



that term, can only endure where it is fundamentally established as "a government of laws and not of men." To the maintenance and perpetuity of such government, the independence of the judiciary is an absolute essential. In New England, as elsewhere, is this principle recognized and followed.

In view of the claim that the sentiment and practice of New England offered precedent for the character of organic legislation here proposed for this California Commonwealth, it may not be out of place to ask attention to the sentiments of a New Englander of distinction, whose patriotism and whose wisdom were alike beyond question.

Daniel Webster, native of New Hampshire, on the 30th day of December, 1820, was a member of the Constitutional Convention of Massachusetts. In discussing a measure proposed there, by which the judiciary of that state should be less subject to the control of the legislature than under the existing Constitutional provision, Webster said: (Vol. III, Works of Daniel Webster, pp. 26-27.)

"The commission of the judge purports to be, on the face of it, *during good behavior* . . . To give an authority to the legislature to deprive him of it, without trial or accusation, is manifestly to make the judges dependent on the legislature. The question is not what the legislature *probably will do*, but *what they may do*. If the judges, in fact, hold their offices only so long as the legislature see fit, then it is vain and illusory to say that the judges are independent men, incapable of being influenced by hope or by fear. The tenure of their office is not independent. The general theory and principle of the government are broken in upon, by giving the legislature this power. The departments of government are not equal, co-ordinate, and independent, while one is thus at the mercy of the others. What would be said of a proposition to authorize the governor or judges to remove a senator or member of the House of Representatives from office? And yet, the general theory of the constitution is to make the judges as independent as members of the legislature."

After referring to the statement in our Declaration of Independence that the British King "had made judges dependent upon his own will alone, for the tenure of their offices," Mr. Webster continued (*id.*, pp. 28-31):

"It was therefore to be expected, that, in establishing their own governments, this important point of the independence of the judicial power would be regarded by the States. Some of them have made greater and others



less provision on this subject; *the more recent constitutions, I believe, being generally framed with the best guards for judicial independence.*

Those who oppose any additional security for the tenure of judicial office have pressed to know what evil has been experienced, what injury has arisen, from the constitution as it is. Perhaps none; but if evils probably may arise the question is, whether the subject be not so important as to render it *prudent to guard against that evil. If evil do arise, we may be sure it will be a great evil; if this power should happen to be abused, the consequences would be most mischievous.* It is not sufficient answer to say that we have as yet felt no inconvenience. *We are bound to look to probable future events.* We have, too, the experience of other States. Connecticut, having had judges appointed annually, from the time of Charles the Second, in the recent alteration of her constitution has provided, that hereafter they shall hold their office during good behavior, subject to removal on the address of two-thirds of each house of the legislature. . . . *There is no department on which it is more necessary to impose restraints than the legislature. The tendency of things is almost always to augment the power of that department, in its relation to the judiciary. . . . It would seem to be plain enough, that, without constitutional provisions which should be fixed and certain, such a department, in case of excitement, would be able to encroach on the judiciary. Therefore is it that a security of judicial independence becomes necessary."*

Further along in the same memorable address to the Constitutional Convention of Massachusetts, Mr. Webster, in speaking of the power and duty of the courts to pass on the constitutionality of legislation, said:

*"But it is evident that this power, to be useful, must be lodged in independent hands. If the legislature may remove judges at pleasure, assigning no cause for such removal, of course it is not to be expected that they would often find decisions against the constitutionality of their own acts. If the legislature should, unhappily, be in a temper to do a violent thing, it would probably take care to see that the bench of justice was so constituted as to agree with it in opinion."*

An interesting incident showing how in times of great political excitement the Legislature may avail itself of its power under the Constitution to remove a judicial officer is furnished by the case of Edward G. Loring, who for many years had been probate judge and United States Commissioner in Boston, Massachusetts. During his period of service in administering the law as he read it, he sent back into

slavery a negro named Anthony Burns, as under the law he was bound to do. For this act, without any malfeasance or misfeasance in office, this man, a Harvard graduate and a respected official, was removed from his position on the Massachusetts bench. In after years this same deposed Massachusetts judge was appointed by President Lincoln to be judge of the Court of Claims, which position he held until 1877.

The Loring case is referred to in *Commonwealth vs. Hariman*, 134 Mass., at page 318, in these words:

"In 1858 Edward G. Loring was removed, by address, from the office of Judge of Probate, for the County of Suffolk, but *his case was not a case of official misconduct.*"

**The Federal Congress in Times of Intense Excitement Has Used Its Power Under the Federal Judiciary Article to Control the Action of the Judiciary by Fixing the Number of Judges and Regulating the Power of the Supreme Court to Entertain Appeals.**

While the Constitution of the United States is highly deserving of all the encomiums that have been heaped upon it, it is not an absolutely perfect instrument. It has from time to time required amendment. Experience has shown that the judiciary article allows a control by Congress of the personnel of federal courts, which, in time of intense political strain, it has used for the accomplishment of partisan political purposes.

In this connection we ask attention to an incident that occurred during the closing days of the administration of the affairs of the American Union by the Federalist Party. After twelve years of continuous control of the executive and legislative departments, the control of both those departments was lost to that party by the election of Thomas Jefferson to the presidency and of a Congress in sympathy with him, in 1800. Federalist managers conceived the idea that it was important for them to perpetuate their party principles through some governmental agency. The one department not lost to their control was the judiciary. Beveridge, in his "Life of John Marshall" (Vol. II, 547), refers to the incident in this language:

"All was not lost. The Judiciary remained. The newly elected House and President were Republican and in two

years the Senate also would be 'Jacobin'; but no Republican was as yet a member of the National Judiciary. Let that branch of the Government be extended; *let new judgeships be created, and let new judges be made while Federalists could be appointed and confirmed, so that, by means, at least, of the National Courts, States' Rights might be opposed and retarded and Nationalism defended and advanced—thus ran the thoughts and the plans of the Federalist leaders.*"

At page 549, in speaking of this Federalist plan to perpetuate its power through the influence of a sympathetic judiciary, Beveridge refers to the introduction of a bill by Roger Griswold of Connecticut, creating sixteen new circuit judgeships and reducing the number of justices of the Supreme Court after the next vacancy. He said:

*"The Supreme Court was reduced, after the next vacancy, to five members—to prevent, said the Republicans, the appointment of one of their party to the Nation's highest tribunal. Many new judgeships were created. The Justices of the Supreme Court who had sat as circuit judges, were relieved of this itinerant labor and three circuit judges for each circuit were to assume these duties."*

At one stroke, judges of Federalist appointment were to be increased and possible appointment by the Republican President to a vacancy in the Supreme Court was provided against.

At page 560, referring to the same matter, he continues:

*"Until nine o'clock of the night before Jefferson's inauguration, Adams continued to nominate officers, including judges, and the Senate to confirm them. Marshall, as Secretary of State, signed and sealed the commissions. Although Adams was legally within his rights, the only moral excuse for his conduct was that, if it was delayed, Jefferson would make the appointments, control the National Judiciary, and through it carry out his States' Rights doctrine which the Federalists believed would dissolve the Union; if Adams acted, the most the Republicans could do would be to oust his appointees by repealing the law."*

At the time that John Marshall, as Secretary of State, was signing the commissions for these Federalist appointees of President John Adams, he had already been appointed by Adams and confirmed by the Senate as Chief Justice of the Supreme Court of the United States. The statute under which these appointments were made was passed on the 13th

of February, 1801 (2 Stats. L., 89). It was repealed the following year by Act of April 29th, 1802.

This feature of legislative control of judicial action is referred to in the book on "American Judiciary" published by Judge Simeon E. Baldwin, who at different times was governor of the State of Connecticut, Justice of the Supreme Court of Errors of that State, and professor of Constitutional Law in Yale University. At pages 341-343, he says:

"Removals by the Governor on the address of the legislature have been more frequent, and occasionally have been dictated largely by party managers who desired to make places for those of their own political faith. In one instance it was attempted, but unsuccessfully, in Kentucky as a punishment for giving a judicial opinion that a stay-law recently passed by the legislature was unconstitutional. . . .

"Wholesale removals have also, in rare instances, been effected for similar purposes by abolishing courts, the judges of which held during good behavior. Maryland was the first to do this, abolishing a court and re-establishing it at the same session, almost in the words of the former law. Congress followed in 1802 by repealing the statute of the year before by which a new scheme of Circuit Courts was arranged and under which sixteen Federalists had been appointed to the bench. Massachusetts did the same thing in 1811 with respect to her Courts of Common Pleas.

"The occurrence of vacancies has sometimes been prevented in a similar manner when the nominating or appointing authority was politically opposed to the legislature. The existence of a Supreme Court is required by all our Constitutions, but the number of the judges is frequently left to be fixed from time to time by statute. The Federalists, when they were about to go out of power, provided that the Supreme Court of the United States should on the next vacancy be reduced from six to five, thus seeking to prevent Jefferson from filling such vacancy. By 1863 the number had been raised to ten, but three years later, when a Democratic President was contending with a Republican Congress, it was enacted that as vacancies might occur it should be reduced to seven. In 1869, when a Republican President had come in, the number was restored to nine, and the new justice for whom a place was thus made shortly joined in reversing a decision made by the court not long before and quite unsatisfactory to the majority in Congress on an important constitutional point. Similar legislation, for like reasons, has been had in many of the states." (Italics by J. F. S.)

Elsewhere in his valuable treatise on the American Judiciary, Judge Baldwin gives a concise history of the action



of Congress and the Supreme Court in the celebrated case of *Ex parte McCardle*, twice reported in our Supreme Court reports, the first time in 6 Wallace, 318-327, and the second time in 7 Wallace, 506. The action of the Court is so concisely stated that I give it in Judge Baldwin's own language, at pages 116-117, as follows:

"If a question of political importance is likely to come before a court, it may be within the power of the legislature to prevent it by a change in its statutory jurisdiction.

"In this way the Supreme Court of the United States was kept from passing on the validity of the Reconstruction Acts enacted by Congress at the close of the Civil War, in a case which was actually pending. Under these Acts, a Mississippi newspaper editor was arrested in 1867, by military order on account of an article which he had published reflecting on the policy of the government, and held for trial before a military commission. He appealed to the Circuit Court of the United States for the District of Mississippi for discharge on a writ of *habeas corpus*. Judgment went against him, and he appealed to the Supreme Court of the United States. The court, on August 1, held that it had jurisdiction to review the decision and to decide whether he could be tried before such a commission. The cause was then heard on its merits and all the questions involved discussed at length, four days being devoted to it. Congress apprehended a decision that the Reconstruction Acts were unconstitutional, and before one was arrived at, during the same month, passed an act repealing the right of appeal in such cases from the Circuit Court. The purpose of this was obvious, but it was none the less effective, and the court, without deciding the case, dismissed it for want of jurisdiction."

**The Proposed Amendment Is a Distinct Departure  
From the American System of Government,  
Under Which, From the Very Beginning,  
the People of the Several States Have  
Administered Their Sovereign Power Through  
Three Departments—the Executive, the  
Legislative and the Judicial.**

The amendment here proposed by the Legislature practically eliminates the judiciary as an independent, co-ordinate branch of state government. If adopted, henceforth the judiciary shall be entirely subordinate to the Legislature.

In a paper recently read before the San Francisco Bar Association by Professor Orrin Kip McMurray of the De-



partment of Jurisprudence of the University of California, in advocacy of the amendment, he said:

"What new powers are granted by this amendment? It may be conceded that *it places the entire control, organization and jurisdiction of the courts under the power of the legislature. They may abolish any jurisdiction now possessed; they may abolish all existing courts; they may create any sort of tenure or method of selection which they desire.*"

Beyond question, then, we have here an attempt by the Legislature to usurp and take to itself power which the people by their supreme law have hitherto jealously reserved, and placed for safe-keeping with another equal and co-ordinate branch of the Government. To use the language of Hon. E. F. Treadwell in discussing the same question before the Bar Association:

"This amendment originated with the legislature and is an obvious attempt to take from the people all power over the judiciary of the state, and to take from the judiciary all power which the people in their wisdom have vested in the judicial branch of the government."

The American theory of government as recognized in the Federal Constitution and as enforced in practice in the several states is based on the principle that the sovereign powers of the people can be best exercised through three distinct departments of government—the legislative, the executive and the judicial.

In more than forty of the American states the organic law has declared in set phrase, substantially identical in terms, the principle enunciated in the Constitution of Massachusetts, in this language:

(Kettleborough Const., p. 658):

"\* \* \* In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men."

*Every other New England state carries a declaration in like form, providing for three separate departments—executive, legislative and judicial. The proposed amendment as shown by its language and conceded by its advocates, nulli-*

fies the judicial department of California as a distinct, independent, self-asserting and self-protecting department of government.

In practice, the power of the judicial department at times has proved even greater than that of either the executive or legislative departments. This feature of paramountcy is illustrated in those cases where courts of last resort have passed upon the constitutionality of measures enacted by the legislature.

Ever since 1849 the people of California have believed in the theory, and enforced it in practice, that judicial power should come from the people themselves and not from the Legislature of the State. Californians have believed in conformity with the well-established American doctrine on that subject, that government should be exercised through three distinct departments. From the very beginning, Californians have preached and practiced the doctrine that where either the legislative or executive departments transcended constitutional limitations, the power should exist in the judiciary to declare the supreme will of the people, as written in the organic law of their Constitution. The proposed amendment is a departure alike from the traditions of all American states and from the theory and practice established at the very outset by the pioneers who laid the foundation of this far western commonwealth.

**If the Courts Are Divested of Their Power by  
This Amendment, the People Will Not Be  
Sufficiently Protected Against the Supreme  
Power of the Legislature by Means of  
"Referendary Review."**

The amendment provides that the judicial power of the State shall be vested in such courts as the Legislature *by general law (subject to referendum) may establish*. In the discussion of this matter before the California Bar Association Senator Carr said:

"For the purpose of this discussion, I think we may assume that this amendment, if adopted, will give to the legislature almost plenary power over our judicial system, *subject only to referendary review by the people.*"

The advocates of the amendment, generally, profess an abiding faith in the efficacy of the referendum as a protection against undue exercise of power by the Legislature in

matters which in the judgment of lawyers and judges generally should constitute a part of the essential judicial framework of the State Government.

Relief against precipitate, drastic change of our judicial system by means of the referendum, is a false hope held out to the people of California. They would not ordinarily find proper protection through the referendum against the practical domination of the Legislature. The referendum is not an effective weapon to provide against legislative inroads on the rights of the people in this regard. *Theoretically*, the referendum is a very fine method of exercising the reserved rights of the sovereign people; *practically*, it does not achieve results. Especially should the people of California in the matter of protecting their reserved rights, not allow the Legislature to assume entire control of the judicial department, on any mere suggestion that the people may on some later date protect themselves against improvident legislation of the highest possible moment to them in the matter of the administration of justice, by "*referendary review*."

Article IV of our Constitution regulating the referendum and the vote thereon provides that the result as to a matter submitted to the referendum shall be determined by a *majority of the qualified electors voting thereon*. In other words, under the proposed amendment, the result of a referendum as to a constitutional provision would be determined by a majority of the *qualified electors voting as to such proposed constitutional legislation*.

In matters of initiative and referendum, Oberholtzer, in his work, "The Referendum and Recall in America," at page 506, says:

"The conclusions of Woodrow Wilson are those of other candid and qualified students of the subject. He says:

"*The vote upon most measures submitted to the ballot is usually very light; there is not much popular discussion, and the referendum by no means creates that quick interest in affairs which its originators had hoped to see it excite. It has dulled the sense of responsibility among legislators without, in fact, quickening the people to the exercise of any real control in affairs . . . Where it (the initiative) has been employed it has not promised either progress or enlightenment, leading rather to doubtful experiments and to reactionary displays of prejudice than to really useful legislation . . . A government must have organs; it cannot act inorganically by masses. It must have a law-making body; it can no more make*

law through its voters than it can make law through its newspapers.'

\* \* \*

"For constitutional amendments the recent researches of Mr. Dodd are conclusive. *On the 472 constitutional questions which he finds to have been submitted to the people of the states in the decade 1900-1908 the vote was usually very small. The record is the same in all parts of the Union. In California, in 1904, when 6 amendments were submitted to the people, none received more than 40 per cent of the vote; in 1906, when 14 amendments were submitted, the lowest percentage was 30 and the highest 33. In Colorado, in 1900, one amendment received only 19 per cent of the vote for candidates. In Connecticut 3 amendments, in 1905, varied from 18 to 22 per cent; 4 in Florida, in 1900, from 24 to 32 per cent; 7 in the same state, in 1904, from 22 to 30 per cent; 8 in New Jersey, in 1903, from 11 to 12 per cent; 7 in New York, in 1905, from 25 to 30 per cent; 3 in Pennsylvania, in 1901, from 27 to 30 per cent; 2 in Virginia, in 1901, from 10 to 11 per cent. An amendment in Indiana, in 1906, received about 8 per cent of the vote for candidates; and one in Ohio, in 1903, only 6 per cent.*

"Of the whole number of amendments recorded the vote on only 8 reached or exceeded 90 per cent of the vote for candidates. As many as 240 received less than half the vote cast for candidates."

If electors thus called upon to vote directly upon constitutional amendments have been apathetic and inactive, how much of a check are they likely to have against hasty, ill-considered general statutes rushed through both houses of the Legislature as was Assembly Constitutional Amendment No. 61?

**A Legislator Proposing a Nullification of the Judiciary as a Distinct Department of Government, Should Point Out the Specific Defect in the Existing System and Suggest Plainly the Remedy That He Proposes. Mere General Criticism of Courts Does Not Warrant the Surrender of the Judiciary to the Legislature.**

Criticism of courts has been a popular pastime from a time whereof the memory of man runneth not to the contrary. It is far easier for a layman or even a lawyer to criticise the courts, than to point out specifically how they might be improved.

Honest criticism for the purpose of improvement in any



department of government is not merely permissible—it is a public duty. I am not of those who believe that an incompetent, dishonest or unworthy judge should not be criticised; on the contrary, I believe he should be criticised and, on suitable occasion, removed from the position that he unworthily fills. If judges are derelict in the discharge of their duties, I believe it is a proper function of the state, through some accredited representative, called a commissioner of justice, or by some other name, to investigate from time to time and learn for the state whether judicial officers are efficiently and faithfully discharging the duties of their high station—if in fact they are earning the compensation which the state gives them. But I believe in criticism that aims to accomplish public good. I abhor that criticism which, suggesting no specific reform, merely aims to discredit or impair the administration of justice. Mere fault-finding for its own sake is not to be commended. Unwarranted or unfounded denunciation of courts is well characterized in the language of a distinguished American lawyer and judge, Joseph Storey, who for many years sat with Marshall on the supreme bench of the United States, the author of “*Commentaries on the American Constitution*,” and at the time of his death in 1845 Dean of the Harvard Law School. I find the language in a report of a committee of the New York State Bar Association submitted in the year 1913 (Vol. XXXVI, Report of New York State Bar Association, pp. 224-5), as follows:

“Nothing is more facile in republics than for demagogues, under artful pretenses, to stir up combinations against the regular exercise of authority. . . . The judiciary, as the weakest point in the constitution on which to make an attack, is therefore constantly that to which they direct their assaults; and a triumph here aided by any momentary popular encouragement, achieves a lasting victory over the constitution itself. Hence, in republics, those who are to profit by public commotions, or the prevalence of faction, are always the enemies of a regular and independent administration of justice. They spread all sorts of delusions in order to mislead the public mind and excite the public prejudices. They know full well that without the aid of the people, their schemes must prove abortive, and they therefore employ every art to undermine the public confidence and to make the people the instruments of subverting their own rights and liberties. . . .

“It is obvious that, under such circumstances, if the



tenure of office of the judges is not permanent they will soon be rendered odious, not because they do wrong, but because they refuse to do wrong; and they will be made to give way to others, who shall become more pliant tools of the leading demagogues of the day. There can be no security for the minority in a free government except through the judicial department."

### **No Inherent Defects in Present System.**

Criticism of the judiciary, as evidenced by Judge Storey's language in the earlier part of the last century, is nothing new. To be effective it must be addressed to an existing fault and made the basis of a prospective remedy therefor. What is the matter with our judicial system as declared in Article VI of our present Constitution? Is there anything about it inherently defective or which defeats, rather than promotes, the due administration of justice? Our judicial system is simple and compares favorably with that of any other American commonwealth. We have justices' courts for minor matters, superior courts for the wide range of cases in equity and at law and for all possible controversies, with the supreme court and district courts of appeal to handle such matters as are made subject to appeal by the Legislature.

In the various discussions of the present question, I have heard no specific charge made that the system of courts provided for by the Constitution is not simple and, if properly administered, may not be efficacious in the accomplishment of its purpose. If the failing be not in the system of the courts, is it in the character of the men selected to administer the system? Have we man-power enough to accomplish the proper results under the system? If we have not, let some honest investigation by the state discover for us and state the facts. If we have sufficient man-power and the men holding the judicial stations are inefficient in the performance of their work, let that matter be investigated by the state and the people thereof informed. If the efficient administration of the system requires additional man-power or judges, let that fact be stated and let the people of the state govern their conduct accordingly. The one subject of complaint that I have heard mentioned is that there is undue delay in the administration of justice, which at time amounts to a practical denial thereof. If that delay be due to insufficiency in the number of our judges, the number should be in-

creased; if it be due to the inefficiency of our judges, the inefficient judges should be exposed and at the end of their terms they should be denied re-election. If a case of dereliction on the part of a judge be aggravated, the legislators have power under Section 10 of Article VI to remove him summarily. That section provides that

“Justices of the supreme court and of the district courts of appeal, and judges of the superior courts, may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house.”

If facts exist that warrant a removal of derelict judges, the Legislature should use its present ample power and remove the judges. The entire judiciary article should not be nullified to effect removal of the judges.

### **Delay Due to Defects in Procedure.**

Much of what is said about the delay dwells on defects in procedure or practice. It would be well for those critics who urge matters of practice or procedure as a ground for revising the Constitution, to bear in mind that neither practice nor procedure is regulated by the Constitution, they have no proper place in the Constitution and they are not found there. Appeals, motions for new trials, rules of evidence—all these are legitimately within the scope of legislative action. During all our judicial history, procedure and practice have been regulated by our Legislature. According to some critics of our system, much of this regulation might be better done by the courts. But if a defective system of procedure or practice now exists, if insufficient remedies and modes of relief have not been provided by the Legislature, does such an experience qualify the legislators to take over additional matter in the way of assumption of duties that properly devolve upon the judicial department of the people's government? In any event, the legislators should ascertain and point out the specific, actual defect in the existing system before they ask us to remedy it. Certainly, effective relief of an intolerable condition cannot be accomplished by giving more power to a Legislature which would act on the most important remedial scheme as it did with Assembly Constitutional Amendment No. 61, with a mere warning to the people to look out for their own interests by means of “*referendary review*.”

In this connection, I again ask attention to the language of Senator Carr before the California Bar Association (Proceedings 1917, pp. 74-5), as follows:

"An active legislative experience of six years has convinced me that more careful and effective work is done in the framing of a statute in which general interest is being taken than in the framing of a constitutional amendment. The same active, acute interest is not taken in the preparation of the latter. . . . There is rarely the same study and the same frank interchange of views, the same ideas, in the framing of a proposed amendment to the Constitution that there is in putting into shape a statute law. *The reform of our courts and procedure presents a subject which demands just this in peculiar degree. . . . As yet none of us know what should be done.* We are very sure there is something wrong in the present system. Conditions which exist cannot be allowed to continue. Something must be done."

The legislators have adequate means of ascertaining existing conditions—of reaching a position where they can "*know what should be done.*" *When they know what should be done they should take the people into their confidence and advise them what should be done.* Then they may submit to the people a plan by which it can be accomplished. *Until they themselves know the conditions and submit a plan for their improvement, it is premature for them to ask further powers for themselves.* The people should be fully advised before they are called upon to surrender their present control over the judicial department of government.

**If the Legislature Has Neither the Time Nor Disposition to Submit to the Electors a Complete New Judiciary Article for Our Constitution to Replace Our Present Article VI, Then a Constitutional Convention Should Be Called to Make Such Revision.**

Article XVIII of our present Constitution provides two methods for amending or revising the same. Section 1 provides for an amendment in the method pursued with Constitutional Assembly Amendment No. 61, by way of resolution approved by vote of two-thirds of the members of each house in favor of the amendment, and a submission of such amendment thereafter to the people, in such manner, at such time and after such publication as may be

deemed expedient. In this way the amendment of the Constitution is much more expeditiously effected than it would be by constitutional convention.

In a constitutional convention more consideration would be given to the various matters proper to be embraced in the Judiciary Article of the Constitution than would be given by the Legislature or by the people voting at a general election. However, if the shorter and more expeditious method in the wisdom of the Legislature should be resorted to, then by all means should they submit a remodeled Judiciary Article, as was done by the Legislature of 1861, when Article VI of the Constitution of 1849 was entirely recast. Under Section 1 of Article X of our former Constitution, the amendment had to pass in the same form through two sessions of the Legislature. The amended Judiciary Article VI, embracing nineteen sections, is shown in the Statutes of 1862, pages 582 to 585. After approval by two Legislatures the amendment was ratified by vote of the people September 3, 1862.

An amendment to the Constitution entirely remodeling the judicial department of the State of California is certainly important enough to warrant a submission by the Legislature of a full judicial scheme such as was presented to the people of the State of California by the Legislature of 1861 and 1862.

Besides the method of amendment pointed out in Section 1 of Article X of the former Constitution, a second way of amendment through constitutional convention was provided in Section 2 in this language:

“And if at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change *this entire Constitution*, they shall recommend to the electors at the next election for members of the legislature to vote for or against a convention.”

Section 2 of our present Constitution (1879) provides for amendment through a constitutional convention when the members of the Legislature think it necessary to *revise this Constitution*.

In my judgment (if amendment be necessary), in view of the indisposition of the Legislature to submit an entire well-considered model of a new Judiciary Article, the proper way to accomplish whatever reform in our judicial system may be necessary, is by calling a constitutional convention to revise the Constitution and supply a well-considered



Judiciary Article to replace Article VI of the present Constitution. Such convention could be called under Section 2 of Article XVIII of the present Constitution, which is in this language:

*"Constitutional Conventions.*

"Sec. 2. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the legislature. The delegates so elected shall meet within three months after their election, at such place as the legislature may direct. At a special election to be provided by law, the Constitution that may be agreed upon by such convention shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine."

Members of a constitutional convention cannot make the excuses which the legislators make for their loose method of dealing with constitutional amendments. The constitutional convention, with its representation of 120 delegates, is more largely, more nearly, representative of the interest and the interests of the people of the commonwealth than the average Legislature. Many men would attend constitutional conventions who ordinarily cannot afford the time to attend as members of a legislative session. The main purpose and the sole reason of its being in the case of the constitutional convention is to consider the matters of supreme moment that are worthy of a place in the Constitution. They may not, in the vulgar vernacular "pass the buck".

The history of constitutional conventions in California is the history of gatherings of men notable for their intelligence and their patriotism. Those, like myself, familiar with the personnel of the constitutional convention of 1879, know that many distinguished men were in attendance there who never would have sought office as assemblymen or senators in the Legislature of California.

San Francisco, constituting the First Congressional District, sent among her delegates Joseph P. Hoge, the Dean



of the California Bar, afterwards Superior Judge; Morris M. Estee, a foremost lawyer, once a Republican candidate for Governor; Eugene Casserly, formerly a United States Senator from California; John T. Hagar, one time County Judge and later Collector of the Port of San Francisco; Samuel M. Wilson, ranking among the highest of the San Francisco Bar; Joseph W. Winans, a distinguished pioneer lawyer of this state. From other districts came Walter Van Dyke, of Los Angeles; Thomas B. McFarland, of Sacramento (the two last named later becoming Justices of our Supreme Court); David S. Terry, formerly Justice of our Supreme Court, of San Joaquin; Patrick Reddy, of Mono County; S. G. Hilborn, of Solano; Henry Edgerton, of Sacramento; Isaac S. Belcher, once a Justice of the California Supreme Court. With the leading men in the profession from San Francisco came a large representation of the artisans of San Francisco, at that time gathered in what was known as the "Working Men's Party," who were very helpful in the work of the convention. From other sections of the state came lawyers and laborers, bankers and farmers, men of every calling, assembled for the purpose of rendering their highest and best service to the State of California.

If the government demands reform in the *judicial system* of California, or in its *administration*; if failing reform, we are threatened with revolution—the turning over of the administration of the law into the hands of the mob—by all means let us have a constitutional convention where these matters may be considered with a realizing sense of their importance, and where, after full and free discussion, such reform may be embedded in the organic law of the state as will tend to the permanent, ultimate good of this commonwealth, as will tend to the greatest good of the greatest number of every law-respecting, God-fearing class in the body politic.

**Californians Prefer the American System of  
Democracy, Regulated by Law, to a Foreign  
or Domestic Democracy, Represented by the  
Industrial Workers of the World, by the  
Anarchists or Bolsheviki of Other Lands.**

If the Judiciary Article of the Constitution of 1879 is inadequate to the urgent needs of the present day, let it be *amended or revised*. *Do not repeal it absolutely; do not*

*nullify its every vital element.* It is a misnomer to designate the measure here submitted an *amendment*; it is a *repeal*. Without saying so in forthright language, *it nullifies* the judicial department of state government. Such nullification is apparently a consummation devoutly to be wished, according to the advocates of the amendment.

The proposed amendment is said to mark a genuine advance in the march of the triumphant world democracy. It is said to be essentially democratic because it places more power in the hands of the legislators who directly represent, for the moment, the present will of the sovereign people. Speaking of the amendment to the Bar Association, Professor MacMurray said:

"To speak figuratively, I regard it only as a barrage behind which the advancing forces of reform may be able to move up and seize some of the first trenches in the defenses which lie in the way of the establishment of a better legal organization. Greater operations are necessary if the main line is to be pierced. But whether this amendment is passed or not, *these defenses are sure to fall in the great movement of democracy that is now stirring through the length and breadth of the world.* Personally, I feel, if I may be permitted to change the metaphor, that *the passage of this amendment may relieve to some extent and for a time the apoplectic condition of the body politic in reference to the judicial system. If we are going to heal the patient, the treatment must be far more drastic than anything that this amendment provides.*"

Professor McDonald, another distinguished advocate of the amendment, argues that the moment is opportune to make the organic law of this State *more democratic* by placing the judicial power of the people of the State of California more completely in the control of the legislators, who act under the latest mandate of the sovereign people. This argument ignores the fact that the Legislature is not ordinarily selected for the purpose of revising or amending our form of government. Legislators are selected in the confidence guaranteed by the organic law that the permanent form of government shall not be disturbed by them. When the people of the State wish their form of government changed, they act with special circumspection; they select their representatives for that purpose from among those specially qualified to undertake such work. Like other principals, the people of the State select their agents with a proper regard for the

particular service exacted of them. I repeat, members of the Legislature are not especially selected to frame a new Constitution for the State or to reconstruct any one of the three departments of government, whereas members of a constitutional convention, selected as representatives of the people, are directly chosen for the very purpose of constitutional revision.

The measure is democratic in the same sense in which the Bolshevik movement in Russia is democratic—democratic in the sense that it enables the maddened majority of the moment, while holding the reins of legislative power, to ignore the rights of life, liberty and property which the minority should enjoy under any established form of government. It is not democratic in the sense in which that term is used and applied in the United States of America. American democracy is unique in the history of democracies of the world. It is builded, not on liberty alone, but on liberty *and law*. Our liberty is not the liberty of the Industrial Workers of the World, the anarchists, the Bolsheviks, or the mob temporarily in possession of an established form of government. *Ours is a liberty regulated by law—by law fashioned by ourselves in fundamental characteristics*—fashioned originally by representatives especially chosen to frame our paramount law in the form of a written Constitution.

Essential fundamental rights under our American system of democracy are assured as well to the minority as to the majority. With our unique American style of democracy, we have prospered and grown. With our American type of democracy, the thirteen strippling colonies of 1776 have grown to the dimensions of a giant nation, “prosperous, limitless, invincible.” More than one hundred million freemen rejoice in a liberty guaranteed to them and regulated by law. Today, as never before in our history, does liberty’s torch on Bedloe’s Island in New York Harbor stand as a symbol of American liberty enlightening the world. Bartholdi’s statue stands, not merely as a symbol of American liberty enlightening the world, but it stands there as a symbol of one hundred million American freemen, bidding the nations of the world to strive and to hope, and assuring them of the assistance and co-operation of American blood and treasure and utmost effort, *in order that the world may be made safe for democracy*. This moment of crisis, when the mad representative of a system that is doomed has sought to

eliminate from the lands, the seas and the air the sway of law, is not the opportune time for an American commonwealth to proclaim an abandonment of the standard under which our country has achieved her enduring greatness and her leadership among the nations. This is not the hour for this California commonwealth to strike down the supremacy of the law in this *land of liberty and law*.

TO BE RELEASED AFTERNOON OF AUGUST 9th, 1922.

ADDRESS OF CORDENIO A. SEVERANCE, PRESIDENT OF AMERICAN BAR ASSOCIATION,  
AT ANNUAL MEETING AT SAN  
FRANCISCO, AUGUST 9, 1922.

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THE CONSTITUTION AND INDIVIDUALISM.

The American Bar Association is meeting today in the city of the Argonauts. For the second time in its history it has come nearly half way across the United States. Although still much further from Manila or the extremity of the Aleutian Islands than from Maine, it has made a fair start. Its meeting place is in a city that both historically and in the present typifies the American spirit that has made our nation so great. This city, from the time of the American occupation, while engagingly cosmopolitan, has always been dominated by the strong, virile people of our race. By reason of its beauty and charm, its glorious mountains and lovely valleys, we are too apt to think of California only as a land of romance and ease and dolce far niente. The Creator did much for this charmed region, but the pioneer American men and women who painfully toiled across the burning deserts and over the snow-capped mountains, or across the miasmatic Isthmus, laid the foundations, and their descendants have reared the superstructure which makes California today not only a beauty spot, but a great commonwealth. The mountains and the valleys were always here. They were not newly discovered in 1849. The people or the descendants of the people of a great European nation, at one time the mistress of nearly all of the Americas, arrived long



before. But it was only when American civilization and the free Constitution and laws of our country came to bless this land that the real California as we know it to-day, had its birth. From that time this great state has unfolded until today not only in its beauty, but in its strength and many resources it is the admiration of the world. The pioneers brought with them all those sturdy qualities of mind and body and those traditions of free government which have been so conspicuous from the time little scattered bands settled along the shores of the Atlantic and began pushing themselves westward, step by step, turning the wilderness into a garden. They brought with them that which enables them in common with all their fellow-Americans, to live in peace and enjoy that which with their heads and hands they earn, the Constitution of the United States with the personal and religious liberty it guarantees. They were people with an inherited reverence and respect for law. But for this and the orderly government so insured, the desert would have remained as it was from the beginning of time, and the waters which now enrich it so that it can support an empire, would have continued to flow unvexed to the sea. In these times of doubt and speculation when some good men and many bad men are giving utterance to distrust and dissatisfaction with what we are glad to denominate American institutions, where better can we come to renew our faith in the works our fathers wrought? When men and women assemble as we do today, to consider the problems that confront us, and to consult together for their solution, when we accept the constant challenge to weigh in the balance the value of the government under which we live, it is the part of wisdom to turn our eyes backward

to see whether the system we have has served us well or ill. Has it given us in a large measure happiness and contentment, or the reverse? Has the influence of our institutions been felt upon the world at large? Have our theories of government commended themselves to thoughtful men of other lands? Has our example been followed or rejected? The answer to these questions may at least give pause to those who spend their strength in denunciation and whose eyes are always fixed upon the few imperfect stones unconscious of the sublime beauty of the great edifice as a whole. Many questions of vital moment were considered and determined by that remarkable body of men who sat in Philadelphia through the summer of 1787. They were wise men, so wise that Thomas Jefferson, who was in Paris at the time as the Minister of the Colonies, with an exaggeration easily pardonable, called it an assemblage of demi-gods. They were students of history and learned in the science of government as it had developed up to that time. They were zealous for the protection of the freedom that had been won through a long and destructive war, but at the same time appreciative of the necessity of erecting a government with the strength to maintain itself against foes either external or internal. To recall only a few of their conclusions. They determined against a monarchy or an executive chosen for life. They provided for a bi-cameral legislature. Washington, when asked why the Congress was made to consist of two bodies rather than one, having in mind the sudden waves of passion that might sweep over an assembly, responded with a homely illustration. He said it was for the same reason that one poured his tea into the saucer—to permit it to cool off. Remembering the failures of pure democracies,

the Convention established a republican, representative form of government, with frequent elections to the lower House and terms of service in the Senate that are not too long to keep that body reasonably responsive to well-considered, popular will. The members of the House of Representatives were distributed according to population. The control of the purse was left with that House, as it has the sole right to inaugurate revenue legislation. There was withheld from the executive the power to plunge the country into all the horrors and miseries of war. They provided that he could bind the nation by no treaty unless it was assented to by a two-thirds vote of the Senate. While a veto was given the President it was not absolute but was subject to be overruled by a two-thirds vote in each House of the Congress. In many other respects they limited the powers of public servants. Further enumeration of these checks is unnecessary, except that above all they established what Webster in his great reply to Hayne denominated as the keystone of the arch, a Supreme Court in which was vested the last and ultimate decision of all questions arising under the Constitution and the laws enacted pursuant thereto. We are so accustomed to these things that we often fail to reflect that many of them were novel in the world at that time. . Even England, the freest of all the nations, had a parliament which in its lower house was in no sense representative, as a member from Old Sarum, with only two or three electors, had an equal voice with a knight of the most populous shire in the kingdom; and in the election of this house only a fragment of the adult population had a share, large sections of the free men of England having no vote. The powers of the Commons were crippled by the absolute veto of an here-

ditary house. Today, after a series of reform acts, her parliament is representative and the House of Lords, while it still exists, is so emasculated that it cannot prevent, except temporarily, the enactment of laws passed by the Commons. Treaties are now submitted to Parliament for approval. Since that date there have grown up the great self-governing Dominions, our intimate friend and neighbor, Canada, on the north; Australia, New Zealand, South Africa, each governed by its own laws enacted by its own parliament, and in no sense tied to Great Britain except by the bonds of affection and self-interest. And finally Ireland, whose sons have taken so important a part in governing other countries, including our own, has the immediate prospect of becoming like the other free nations in the British Empire, a self-governing people. In 1787 France was still an absolute monarchy, although it is interesting to recall that its courts had with indifferent success attempted at times to interpose against tyranny. Its people were so oppressed that in its revolution—largely caused, or at least hastened, by the spirit of liberty, reflected back from the new world—the pendulum swung so far in the opposite direction as to produce chaos. This was followed by the inevitable reaction into a dictatorship, succeeded by two monarchies, a short-lived republic, a second Empire, and finally the enduring republic, the glorious deeds of whose liberty-loving people during the last decade have excited the admiration of the world. Germany consisted of a large number of petty states, with an enslaved population under absolute masters, who hired out their subjects as during our Revolution, to fight battles in which they had no concern. After the attempted revolutions of 1848, which were quickly suppressed, Germans of liberal

belief swarmed to America to enjoy our free government. Then for a score of years the German states devoted themselves under the leadership of these various sovereigns, to killing each other off, with the resultant creation of a dominant power in one state, and the establishment of an empire with a parliament of shadowy authority. Finally 131 years after our Constitutional Convention, the Kaiser, as an eminent American expressed it, dropped his crown and ran, and the occupants of the petty thrones blew away, like the cards in Alice in Wonderland, and a republic was established. Its permanency is still to be proved. But all believers in popular government throughout the world hope that it may, in spite of all attempts at reaction, maintain itself among the free nations of the world.

At the end of the eighteenth century, and long after, Italy was truly termed a geographical expression, but now that beautiful land, with its marvelous history, while nominally a monarchy, is in fact a self-governing nation, and its blue skies are over a united people freed from the domination of the stranger. Poland, then partitioned and destroyed, is now a republic, as is Bohemia, that land of poetry and music, whose republican constitution was largely drawn in the old city of Philadelphia within sight of Independence Hall. The Turk had his bloody hand upon all the lands from Constantinople to Belgrade and the Adriatic. The Balkan states are now free, governed by their own parliaments, and the Southern Slavs, who were so long under the domination of the Hapsburgs, are at last reunited with their blood brothers, the Serbs under a Constitution containing a Bill of Rights similar to our own. Austria and Hungary have likewise discarded the Hapsburgs. Thus Switzerland, that home of free men for



centuries, no longer remains an oasis in a desert of despotism. Portugal is a republic, and Spain is governed by its parliament. The Scandinavian countries are genuinely democratic in fact, and only Russia, of all the autocracies that cursed the continent at the end of the eighteenth century, is still denied the benefit of a government resting upon the consent of the governed. Since 1787 all of the states of Central and South America have attained their independence, and have modeled their constitutions largely after that of the United States, and a number of them have made great economic and social progress. Even in the far East, Japan now has its parliament functioning with ever increasing powers, and the great Empire of China, in which lives nearly a quarter of the human race, has cast out its foreign monarchs, and chiefly under the leadership of young men educated in American universities, is painfully, through disorder and almost chaos, struggling toward the status of a self-governing republic. It is a noteworthy fact that its most influential citizen has within the past few weeks advocated a Federal Republic modeled after our own, its ancient provinces to have the same status as American states. When we thus contemplate the gradual adoption by people of diverse races and historic background of most of the fundamental principles, and in many cases the actual forms, embodied in the American Constitution, it would seem that the picture might cause those who are seeking its overthrow or substantial modification, to hesitate and consider whether such a remarkable concensus of human opinion should be disregarded. It is not indelicate for an American to recall that the marvelous progress of our country attained through individual freedom and not

based upon its suppression has excited the admiration, and in some instances, the envy of the people of other lands. But, say the critics, it is mere assumption to attribute the tremendous development of the United States to its Constitution and laws. America, they say, possesses an equable climate, a profusion of minerals, vast forests, and fertile lands. These blessings, or some of them, were denied to portions of the older world. But is the suggestion of these critics an answer? There are other virgin lands with equal or greater natural riches, endowed in all respects as abundantly as ours. But where can one point to an expansion and achievement in all lines, both individual and collective, accompanied by freedom of action and the resultant human happiness and contentment comparable to that of America? The nearest approach is in the great dominions of that mother land of the English-speaking race whose children have carried civilization and order into every corner of the earth where they have planted their flag. But it must be remembered that in the main the theories of free government of America and the nations of the British Empire had a common origin. The germ of our legislative system was the old witenagemot. The guarantees wrung from a tyrannical monarch at Runymede, the principles for which Hampden stood, the declarations in the Bill of Rights in 1689, were and are our common heritage. Free government had in a large measure been enjoyed under the colonial charters. It was because of the denial to the people of the Colonies of these fundamentals of free government by an arbitrary king and a parliament partly corrupt and largely subservient, that Americans broke their bonds with the mother country. Had England then heeded the words of Chatham, Burke

and Fox, the history of the world in the last century and a half would have been far different. It is a matter for supreme gratification that in these latter years, when the government of Great Britain has been entrusted to the political heirs of the school of Fox, that the attitude of the Colonies has been approved by the people of that great Empire. The attempt made in the eighteenth century to subject free citizens on this continent to a political control in which they had no voice, has met with their condemnation. Sentiment alike in the free nations of the British Empire and in the United States is now for orderly liberty under laws made by the people in the exercise of powers only restricted by the people themselves. It naturally follows that any differences that may arise from time to time between those nations and ours will be settled as they have been in the past half century, either by negotiations or by trial in a legal tribunal, in which impartial justice will be rendered. The adjustment or settlement of such disputes by any other method is unthinkable. The wager of battle will not be revived in such case. The same prophecy may safely be made as to the future relations between the people of America and those ancient friends, the citizens of the free republic of France. The only serious misunderstandings between that country and ours arose during the First and Second Empires. Those Empires have disappeared, and in spite of attempts by unfriendly propaganda to establish the contrary, we know, and the world knows, that imperialistic designs on the part of France disappeared with the last empire. In the harmony between Great Britain, France and America rests the future peace of the world. Those who seek to disturb that harmony are the enemies of mankind. To in-

sure the government of this world by law the youth of these peoples gave their lives, and today sleep upon innumerable hillsides from the Channel to the Vosges. Since the last meeting of this Association, the most significant public event has been the signing of a treaty between the great maritime powers, providing for the limitation of naval armaments. It is a matter of profound satisfaction that this result was achieved upon the initiative of a distinguished American lawyer, the Secretary of State, and that his chief coadjutor was the leader of the American Bar, our dearly loved friend, Elihu Root. Thus the great powers have in effect said that in the future any matter of difference between them shall be settled as private men compose or litigate their disagreements, and that there shall be no longer aggressive warfare. Only such naval force was retained as seemed necessary to repel attack. This does not mean absolute disarmament. The wise men who conducted the negotiations resulting in this treaty had vividly before them the memory of the great war, and realized that while they were well disposed to peace and government by law, there were other people in whom as yet a like confidence could not be reposed. A proposition of absolute disarmament either on land or sea, would be like the suggestion of the dismissal of all the police force and other law enforcement officers, simply because the great majority of mankind is law-abiding. Hence the proposal of the Secretary of State which was adopted by the Conference, embodied that element of common sense and appreciation of possibilities which always moves the lawyer in advising his client. Until the millennium, account must be taken, both in international and domestic affairs, of the wicked and ill-disposed. Beautiful theories evolved

from the easy chairs of dreamers must give way before the practical necessities indicated by human experience. In the eighteenth century Diderot, with his great intellect, conceived a scientific theory of a state. Catherine of Russia invited him to St. Petersburg, where for days he expounded to her his brilliant conceptions. In the end she said:

“M. Diderot, I have listened with the greatest pleasure to all that your brilliant intelligence has imparted. With all your great principles, (which I understand very well) one could make fine books but very bad business. You forget in all your plans for reform the difference in our positions. You only work on paper which endures all things; it opposes no obstacle either to your imagination or your pen, but I, poor Empress that I am, work upon the human skin, which is irritable and ticklish to a very different degree.”

It has been the predominating trait of our race that in matters of law and government it has had the saving grace of common sense. This led to the limitations in our Constitution. Perfection in this world is unattainable. The best that can be hoped is an approximation to the perfect. A government in which all legislation will be wise and all administration perfect is far beyond the possibility of human kind. The making and execution of laws and the administration of justice are all subject to human imperfections and human limitations. That any system may be and will be improved as defects are made apparent, is sure, so long as the best informed and most patriotic are in control. In civilized nations, government and the laws and the interpretation of the laws are not static. Conditions change, and with these changes new applications of old fundamental conceptions and rules must be made. This is an orderly evolution. Its most conspicuous example,



perhaps, lies in the growth of the common law, and in the application of the fundamental doctrines embodied in our Constitution to the changing conditions of modern life. As said by the great jurist who announced the opinion of the Supreme Court in the Debs case :

“Constitutional provisions do not change, but their operation extends to new matters as the modes of business and the habits of life of the people vary with each succeeding year.”

Far different from this are the revolutionary demands of the mere theorist. Because of some minor failure he does not hesitate to denounce principles of law and government evolved from the best thought of human kind and tested by experience. The ancient landmarks he disregards. The value of human ambition which has lead to human achievement is discarded by the disciples of a certain school of political philosophy. The incentive of the hope of personal success, which history has shown to be absolutely essential in the development of the world, means nothing to them. The fact that men will not labor with diligence unless they can enjoy the fruits of their toil, is ignored by those who preach communism and denounce the exaltation of the individual. They forget that the selfishness which would take from the industrious that which he has achieved, for distribution among the whole, is far greater than the selfishness of the man who seeks to possess a bit of land for the exclusive use of himself and his family. The old doctrine that the Englishman's home is his castle means more than that it shall not be invaded by governmental processes. Behind and beyond that, it signifies that there is something that is sacred to him and his wife and children, because he has attained it. This does

not at all imply that there are no limitations to the right to property or to the power its possession may give. Again, we have in the law the interposition of the same doctrine of reason and common sense. While a citizen may have that which is his, he may not so use it as to injure his neighbor. To cite a familiar example: Freedom of commerce throughout our country was one of the impelling causes for the adoption of our Constitution. In *Gibbons against Ogden*, the Supreme Court preserved this right from impairment. In modern days, when transportation is so largely conducted by rail, no new principle of law was required to authorize the establishment by the government of fair, non-discriminatory rates and charges. This is nothing more than the application of the old regulations fixing the fares of the watermen on the Thames, but the right of the owner to possess his property in the railroads, and to protection against fixing rates at so low a figure as to result in confiscation, is preserved. In this way abuses that existed in the early days of railroading through which one locality was destroyed and another built up, or one shipper was prevented from conducting lawful competition against another by discriminatory rates, have been prevented, and no constitutional or lawful rights have been impinged upon. The community is given the advantage of the efforts of the managers of competitive railways to improve their service, and the latter have the incentive of personal success to incite them to their best efforts in serving the public. Unless the rates are inordinately high, excellence of service is ordinarily more important than the amount of the charges. Experience in Europe and America alike has demonstrated the futility of expecting such service when this element of personal ambition on the part

of the operators of these systems, is withdrawn, and competitive conditions destroyed, as is the case under governmental operation.

It is unnecessary to enlarge upon the innumerable instances in which our Constitution has been found adapted to new situations and to conditions in modern life which were undreamed of by its makers without in any way striking down the philosophic conceptions upon which it is based, or impairment of individual achievement. The steamboat, the railroad, the telegraph, the telephone, the pipe line have come, and the powers granted to the federal government with all their limitations, have been found ample and sufficient for their proper regulation. The airplane is with us, and laws governing its use are in process of development, as they are in the case of the still later radio. All this has been accomplished without the repression of genius or undue interference with personal freedom. With a like recognition of individual rights which are often directly affected by a correct distribution and balance of jurisdictions, after infinite debate and repeated judicial decisions, the fundamental principles differentiating between the powers of the federal government and those of the states are fairly well established. This delimitation of the line between federal and state authority has been worked out by our great court of last resort, save only as to the single question of the right of a state to secede from the Union, which compelled a resort to the arbitrament of arms. The result of that fratricidal war was to settle forever the perpetuity of our Union, and the supremacy of our Constitution. The scars of that conflict have long since healed. The bitterness it engendered has been wiped away, and in the gallant armies that threw

back across the Marne at Chateau Thierry the hosts of autocracy, and who, step by step, drove out the invader in those days of carnage in the Argonne, there was no distinction either in gallantry or patriotism between the sons and grandsons of the men who in the last century marched under the Stars and Bars, and those who followed the Stars and Stripes.

This great charter, having shown itself strong enough to withstand the shock of wars, external and internal, and having stood over our people as a shield and protection in time of peace, while we have grown from a nation of three millions living adjacent to the Atlantic seaboard, to one of one hundred and ten millions, stretching from ocean to ocean, and taking in the islands of the sea, it would seem as though debate as to its value should have been concluded. But the very guarantees of a free press and free speech, with the opportunity thus given for criticism by men of varying convictions or desires, makes its preservation a matter of solicitude and constant concern to the patriot and lover of his country. But aside from direct attack by the dissatisfied, the wanton or the vicious, which will be discussed later, there have grown up tendencies of thought, which, unless averted, may destroy the true balance between the rights of the states and those of the federal government, and at the same time weaken individual morale by breeding a reliance upon government in the place of the personal self-dependence of the citizens which has been the mainspring of our national development. Owing to our vast expansion and the intimate inter-communication between states and the right of the citizens of the several states to equal privileges in each of the other states the natural result has been to eliminate state lines

in many ways. It could not well be otherwise, and the framers of the Constitution so intended. Our transportation systems, many of them reaching half way across the continent, carrying principally a commerce interstate in character, must necessarily, if regulation is to be effective, be in the main, under the control of the Union. The great industrial concerns of the country, whose trade is nationwide, and whose unchecked power would tend to subvert the liberties of the people, must be subject to like control, for the protection of the people of all states alike; but we are too apt to forget that there is a vast field in which the public interest requires that there shall be no substitution of federal for local supervision or legislation, and further, that in the absence of a clear necessity, there should be no interposition by either. Following great wars there is, as compared with normal times, always a tendency to an expansion of governmental power, with the resultant increased interference with the freedom of the individual. It has been markedly the case since the world war. The mobilization of men and money with the necessary temporary legislation increasing the powers of the executive and minimizing for the time the personal rights of the citizen, produces an abnormal condition of the public mind. In ancient days, when autocracy was the rule, war was the usual state. To a free people in modern days, war is abhorrent. It is appealed to as the last resort only for the purpose of bringing a just peace and the individual comfort and well-being that are the concomitants of peace. When the emergency passes with the ending of the war, there should be a speedy reversion to peace-time conditions. While war is in progress everything is subordinated to the one purpose of a speedy victory for our armies.



At the call of the nation men offer up their lives for its preservation. The people submit to having their food, their clothing, the sales of their products and an infinite number of other matters controlled by government. The intimate connection with government thus established has a reflex action in causing the people to lose their self-dependence and to look to the federal government for things, which, in a normal state of peace, are entirely of state or individual concern. The President and the Congress are asked to interfere in purely local matters; the federal treasury is raided, or attempted to be raided in the interest of things in no way national in character. Federal aid in money is demanded to supplement funds voted by the states for improvements or to pay the cost of state activities. Groups of people even seek this aid in support of enterprises which are in effect individual. The Congressman or Senator is looked upon as successful or otherwise in the measure that he is able to secure appropriations benefiting only the whole or a part of his immediate constituency. Legislation sometimes degenerates into a race between the members to see who can secure the most. In this way taxes that are imposed for the general benefit are many times directly or indirectly diverted to private use. The tax-payer in one state is compelled to bear a part of the burdens of some distant part of the country in which neither the nation nor he himself has any but the most remote interest. All this tends to breed extravagance. People who scan their tax bills are apt to insist upon economy in public expenditures which are in the charge of local officials and to bring pressure to produce economical administration. But they seem to feel that these supplemental funds so secured from the general government in

Washington are like manna from Heaven, forgetting that they represent the fruits of the labors of their fellow-citizens. This so-called federal aid turned over by the general government to the states without any control as to its expenditure, has already amounted to hundreds of millions of dollars a year. Even that, however, is preferable to the establishment of additional bureaus at the seat of government with thousands of employees and inspectors to oversee the expenditure of these funds. Public opinion should be built up to check these constant raids upon the federal treasury. The courts are powerless in the matter, and the only remedy is in the development of a sound public sentiment in the direction of local and individual self-reliance. Neither communities nor citizens should stand like beggars, hat in hand, asking alms from Washington. There had also developed both before the world war and in a more marked degree since, a movement for the establishment of bureaus and commissions not only in the federal government, but in the various states, which are given greater or less powers of interference with the freedom of action of individuals, and in some cases tend to make them more dependent upon the aid of the government or the state, and less upon their own exertions. With the increasing complexity of our civilization, some of these commissions are suitable, proper and necessary, and if conducted with due regard to constitutional rights, are valuable, but in many instances they are distinctly mischievous, and improperly hamper private initiative. They create an enormous roll of officers and employees supported at public expense. In certain cases, while there is a reasonable excuse for their existence, the advantage flowing from the exercise of their functions is of far less value than

their cost, even leaving to one side their unfortunate effect upon public morale. It is as true now as when it was first uttered that the people are governed best who are governed least. This country has not grown to be the greatest, most powerful and happiest in the world through the activities of boards or bureaus, but only through the efforts and genius of its virile, strong and intelligent people, with the assurance given by the Constitution that they shall enjoy the results of their labor. We have made this marvelous progress by respecting the rights of the individual recited in the Declaration of Independence. If we do not check the tendency to set up a bureaucratic government, centering in Washington, we invite disaster. The United States is not, as was asserted of the late German Empire, an entity free from moral or other restraints over, above and apart from the people, but it is a composite of the people themselves. Its powers are not unlimited. The Government possesses only those from which the people parted for the general welfare, and its activities should be confined within the narrow limits consistent with the performance of proper governmental duties. The wise men who wrote the Constitution did not intend to place the citizen in leading strings. The government is the servant of the people. It is instituted not to suppress, but to render certain their liberties. The constitutions, both federal and state, are full of provisions setting bounds to what their respective legislatures may do. In spite of these limitations, the growth of the so-called police power in these later days is a matter of profound concern to all lovers of our country. If legislators are permitted to run riot under the pretended exercise of this power, the constitutional guarantees for the protection of liberty and

property will be destroyed. If contracts between individuals truly private in character can be rendered valueless by the fiat of a bare majority of a legislative body, under the plea of emergency or necessity, and if the legislature is permitted to be the unhampered judge of the existence of such necessity or emergency, what becomes of the constitutional provision rendering such contracts immune from legislative attack? If a legislature can by a simple resolution declare that a business or occupation never before deemed to be affected with a public interest and thus subject to regulation, is in fact so affected, what limits are there to what it may do? The enlargement of the scope of the police power in recent years has gone far in the direction of a communistic state. That this has not been intended in general, either by legislatures or courts, is undoubted. But that its effect has been toward that result is likewise beyond reasonable dispute. Rome was not built in a day, and a constitution can be overthrown in time as surely by gradual encroachments as by sudden revolution. Every undue weakening of its inhibitions prohibiting the invasion of the rights of the individual, is a step towards state supremacy, and each piece of legislation of this character forms a precedent for another. If we believe in the principles upon which our government was founded, we should scrutinize with jealous care new proposals which affect the liberty of personal action, to see whether they square with the ancient doctrines voiced by our fathers in the Constitution. The exposition and enforcement of these limitations, whenever they are exceeded, is the function of the judiciary. Therefore judges must not only have character and lofty ethical views, but they must have learning, not only in what may be termed the technique of

the legal profession, but a broad education in the history and great fundamental principles of government. They should be informed as to the theories upon which the states of antiquity were based, and be enlightened as to the elements which gave strength and the weaknesses which led to downfall. They should have a thorough knowledge of the growth of constitutional law in England and the American Colonies previous to our revolution;—all this and more should be the equipment of our judiciary so that they may know from the results of human experience, the value of and the necessity for the maintenance of the great safeguards embraced in our Constitution and the amendments, setting bounds to the action of the officials of the states and the nation. Only with this thorough training are they fitted to apply to concrete cases as they arise, the protection secured to us by the great charter of our liberties. The bench is recruited from the bar; an ill educated and uninformed bar thus necessarily must result in an ill-equipped bench. It was not to enable lawyers to make more money by intelligently practicing their profession, that this Association and its co-ordinated bodies, the state and local associations, adopted the resolutions with which you are all familiar, looking to a better preparation for the practice of the law. Such incentive would have been unworthy of the bar, and would have done violence to its honorable traditions. The reason lay far deeper than that. It was to enable the bar and bench to administer with wisdom and intelligence American justice between man and man, and between the citizen and the state. More and more such administration involves the application of the provisions of our Constitution.



This fact was recognized a third of a century ago by Mr. Justice Miller, who in one of his masterly lectures said :

“The importance of a thorough knowledge of constitutional law to those who propose hereafter to practice the profession of the law in this country, can hardly be exaggerated. \* \* \* The time has come when the Constitution and laws of the United States are not the mere theoretical object of the thoughts of the statesman, the lawyer or the man of affairs; for the operations of its government now reach to the recesses of every man’s business, and force themselves upon every man’s thoughts.”

In times of unrest and loose thinking, such as we are going through at present, the clear definition and enunciation of these principles as they come to be applied from day to day, are of the highest importance. The judges must not only have the firmness to state with definiteness and certainty that the individual rights of the citizen may not be encroached upon either by the executive or by a temporary majority in a congress or a legislature; that all the checks and balances between the departments of the Federal Government, between the Union and the states, and between both these governments and the people must be preserved in their integrity, but in addition they must be possessed of the learning to make clear the reasons for their conclusions. Those to whom these restraints are irksome and who believe in a parliamentary form of government with unlimited powers, recognize clearly that their easiest method of attack is to assail the power of the courts. In 1821 Chief Justice Marshall said :

“An attack upon the judiciary is in fact an attack upon the Union. The judicial department is well understood to be that through which the government may be attacked most successfully because it is without patronage, and, of course, without power. And

it is equally well understood that every subtraction from its jurisdiction is a vital wound to the government itself. The attack upon it, therefore, is a masked battery aimed at the government itself."

In the earlier days of the republic the exercise of its proper jurisdiction by the Supreme Court called forth heated denunciations by executives and legislators, whose activities it sought to restrain within the limits prescribed for them. At least two presidents of the United States refused to follow its decisions. Politicians and newspapers assailed the great tribunal, but serene and confident in the conclusiveness of their reasoning, Marshall, Story and their colleagues went their way, and unaffected by popular clamor, did their duty. Mr. Justice Story in the Dartmouth College case, said :

"It is not for judges to listen to the voice of persuasive eloquence or popular appeal. We have nothing to do but pronounce the law as we find it, and having done this, our justification must be left to the impartial judgment of our country."

After the passions and controversies of the hour had passed, this impartial judgment was rendered, and these great Judges took their place among the immortals.

In all of Shakespeare there is no more splendid passage than that describing the meeting between the old Chief Justice of England and the young King, who in his lawless youth had been committed for contempt for striking the Judge when upon the bench. The Chief Justice said in his justification :

"Your Highness pleased to forget my place,  
The majesty and power of law and justice,  
The image of the King whom I presented,  
And struck me in my very seat of judgment ;

Whereon, as an offender to your father,  
I gave bold way to my authority  
And did commit you."

The King replied :

"You are right, justice, and you weigh this well;  
Therefore still bear the balance and the sword;  
\* \* \* You did commit me  
For which I do commit into your hand  
The unstain'd sword that you have used to bear,  
With this remembrance, that you use the same  
With the like bold, just, and impartial spirit,  
As you have done 'gainst me."

We have no kingly office, but the judges represent the words and the spirit of our Constitution, and have, with rare exceptions, enforced them with a "bold, just and impartial spirit," and for this they are held in honor by the good men and women of our country whose liberties they have preserved. Nevertheless, we have lately seen a renewal in certain quarters of these attacks upon the judiciary. Large bodies of men have resented their judgments when adverse to their contentions, and in some cases by formal resolutions have stated that they would determine for themselves the constitutionality of laws and would not regard themselves as bound by the decisions of the courts in that respect. There have been widespread complaints against and attempts at times successful, to limit by legislation the jurisdiction of the courts in affording protection against the invasion of personal rights. In an address delivered before the American Federation of Labor on Flag Day, a Senator of the United States denounced the action of the Supreme Court in holding acts of the Congress and of state legislatures unconstitutional as pure usurpation and the exercise of a power not granted by the Constitu-

tion. He later repeated this address upon the floor of the Senate. He termed the judges a "judicial oligarchy."

And said:

"The time has come when we must put the axe to the root of this monstrous growth upon the body of our government. The usurped power of the federal courts must be taken away, and the federal judges must be made responsible to the public will."

He further said:

"What I propose is that Congress shall be enabled to override this usurped judicial veto, and to declare finally the public policy, just as it has the power to override the Presidential veto so that we may realize in fact the fundamental purpose of the Constitution as declared in Article 1, Section 1, 'that all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.'"

His remedy was a proposed constitutional amendment, to read as follows:

"That no inferior Federal judge shall set aside a law of Congress on the ground that it is unconstitutional. That if the Supreme Court assumes to decide any law unconstitutional, or by interpretation undertakes to assert a public policy at variance with the statutory declaration of Congress, which alone under our system is authorized to determine the public policies of government, the Congress may, by repassing the law, nullify the action of the court."

It will be noted that the Senator made two fundamental propositions: first, that the power exerted by the court in declaring statutes unconstitutional is a usurped power not granted by the Constitution of the United States; and second, that Congress alone under our system has authority to determine the public policies of government. As I had occasion to point out in a recent address before one of the

State Bar Associations, we challenge the correctness of both these statements. That the power is not one that is usurped is clear. It had been exercised by the courts of Massachusetts, New York, Virginia and North Carolina as to statutes in derogation of provisions of their respective constitutions, before the federal Constitution was adopted. There can be no question that these decisions were within the knowledge of the members of the Federal Convention, as was the fact that it had been recognized by the Continental Congress, which, by resolution requested the courts of law and equity of the states to decide and adjudge according to the treaty of peace between the United States and Great Britain, anything in acts or parts of acts of the legislatures of the states to the contrary notwithstanding. In the notes of the Constitutional Convention it appears, from remarks of numerous members, that it was contemplated that such power should be exercised by the federal courts, and its necessity was fully appreciated. Madison said in the Convention that he

“considered the difference between a system founded on the legislatures only, and one founded on the people, to be the true difference between a league or treaty, and a constitution. \* \* \* A law violating a treaty ratified by a pre-existing law might be respected by the judges as a law, though an unwise and perfidious one. A law violating a constitution established by the people themselves would be considered by the judges as null and void.”

In the Pennsylvania Convention called to ratify the Constitution, James Wilson, afterwards Justice of the Supreme Court, said :

“I had occasion on a former day to state that the power of the Constitution was paramount to the power of the legislature acting under that Constitution, for it is possible that the legislature enacting in



that capacity may transgress the bounds assigned to it, and an act may pass through the usual mode, notwithstanding that transgression; but when it comes to be discussed before the judges—when they consider its principles and find it to be incompatible with the superior power of the Constitution it is their duty to pronounce it void.”

Many similar contemporaneous expressions might be quoted.

This power was fully expounded in the *Federalist*. Curiously it was approved in a letter written by Jefferson to Madison from Paris on June 20, 1787, while the Convention was in session.

The Constitution was thus adopted with complete knowledge that the judicial power included the duty of sustaining constitutional provisions as against legislation either federal or state that contravened them. This power was only attacked when some years later its exercise ran counter to what was deemed by individuals or parties desirable in spite of the Constitution.

For many years past, however, the exercise of this jurisdiction by the courts has met with general acquiescence, and criticisms, when made, have ordinarily been as to the conclusions of the courts rather than a denial of their authority.

The second proposition asserted by the Senator to the effect that Congress alone under our system has authority to determine the public policies of government, is not true without the addition that such public policies must be determined in obedience to the limitations in the Constitution. He reads out of Article 1, Section 1, relating to the legislative powers of Congress the words, “herein grant-

ed," and treats this section as though it read that "all legislative powers shall be vested in the Congress." This fundamental error vitiates his conclusion.

The Congress has no unlimited power of legislation. There are certain specific matters concerning which it may legislate. All others are reserved to the states or the people. If the proposed constitutional amendment should be adopted, not only would Congress have unlimited right to deal with subjects that have always been looked upon as belonging to the states and reserved for their exclusive cognizance, but it could wipe out the Bill of Rights and all the protection that it gives to the people. Thoughtful men are impressed with the danger of the growth of the federal power in matters of local concern, even when Congress is acting within the scope of the present Constitution. The proposal is to withdraw all guaranties and limitations whatsoever. It is a matter of real concern that the Federation of Labor in its resolutions passed following this address, approved the proposed amendment and added another resolution to the effect that amendments to the Constitution should be made easier. Such action by the representatives of so large an organization is symptomatic of a very serious condition of the public mind. In substance this proposal is not a mere amendment, but if adopted would work a revolution in our system of government. Heretofore the United States has always been held and considered to be a government of limited powers. If such an amendment should be adopted, the powers of the Congress would be unlimited, and a mere majority of that body, composed largely of men not learned in the law could overthrow all the hard-won safeguards of individual liberty obtained by brave men down through the centuries.

from Magna Charta to the day when they were put in lasting form in the federal and state constitutions.

De Tocqueville, in his "Democracy in America," said :

"The power of the judiciary to declare a law invalid if it transcends the powers given by the Constitution, is one of the strongest barriers ever devised against the tyrannies of political assemblies."

It must not be overlooked that the proposed amendment embodies in itself no limitations. It applies even where the violation of the Constitution is so clear that it is not even arguable. As it cannot be pretended that the principle involved in the law so re-passed can have any general application, it follows that each time a bill in violation of some constitutional limitation became a law by re-passing it in Congress, it would result in nullifying such limitation as to a particular subject, leaving it in full vigor as to all other matters. It involves the abandonment of all continuity of decision upon constitutional questions, and the same underlying principle might, and probably would, be determined differently by successive congresses. It amounts to submission of a proposition to amend the Constitution pro tanto to a vote of the electors in the various congressional districts where the contest would be fought out over this and all other pending issues in the election of members of Congress. It thus possesses even less virtue than the proposed recall of judicial decisions by direct vote of the people, which was advocated some years ago by a man who was dearly loved by his countrymen, and but for whose advocacy the scheme would have attracted no attention whatever. As it was, even with the prestige of his great name, it could not stand discussion and is no

longer heard of. It contained no appeal to the good common sense of America.

While it is inconceivable that such amendment can receive any substantial support in Congress, or that it could in any event secure the votes of three-fourths of the states, still the mere fact that a Senator of the United States advances such a proposition emphasizes the necessity of a wider study of the Constitution and a fuller appreciation by the people, of its value. It is only one of a series of attacks that are being made upon established institutions. The state of mind of the world for the last few years has been revolutionary. People have been restive under any restraint, no matter how salutary. They have sought change for the sake of change. There has been a feeling that in some way all inequalities and unhappiness could be cured by government. While this sentiment has made less headway in our free America than in other lands, it has even here become so widespread that it should be a matter of serious concern to every patriot.

Recent investigations, both official and unofficial, have demonstrated the shocking extent to which direct agitation, in part public, in part secret, against our whole system of government has gone. Large organizations of men extending to every industrial center in America, are at work carrying on an active propaganda directed to the eventual destruction of our Constitution and the substitution therefor of a government such as has brought chaos to the great Russian people. The principal leader of one branch of this movement has recently returned from Moscow, bringing instructions and aid from the oligarchy which is there in power. It has been publicly stated by the President of the American Federation of Labor that this

organization so affiliated with Soviet Russia, has at least a thousand men well supported and compensated, working in the interests of this movement and penetrating every section of the republic. The speeches made at the Third Internationale in Russia, which was attended by representatives from this country, advocated not only open propaganda in other countries of the world, including our own, but the secret commission of unlawful acts and the circulation of literature forbidden by law.

One of the American delegates in a public utterance at Moscow used this language with reference to the publications of his party in America :

“All the organs of the press (the majority of which at the present moment are published underground) are under the immediate control of the directive bodies of the party. All local organizational procedures are co-ordinated with the central organization. Increased and unremitting attention is given to the observance of party discipline.”

And again he said :

“For the purpose of augmenting the success of propaganda, the center of gravity of party work was shifted to the plants, mills, and mines. For that purpose, agents of agitation were appointed wherever there were members of the party. They were guides in Communist watchwords and ideas.”

Another delegate thus paid his respects to the patriotism of the American Legion :

“The demobilized soldiers (who for the most part did not see the battle front), under the direction of former officers (sons of various bankers and rich men), have organized themselves into ‘the American Legion’ for the purpose of protecting ‘the Constitution and free institutions of America.’ This last is accomplished by riotous attacks on the headquarters of



Communists and trade-unions and the beating up of active workemen.

Under extremely difficult conditions the Communists in America have had to reorganize themselves from half-legal and open organizations into absolutely underground organizations."

Three delegates united in publishing a report of the American Communist party, and in this pronouncement occurs the following:

"The class-conscious workers of America more and more turn toward you, fellow workers of Soviet Russia. Your example is to them a lesson in the revolutionary struggle, for which American bourgeois democracy and the working class of America are both organizing and preparing. \* \* \* They expect that the 2nd Congress of the Communist International will establish the general staff of the world revolution. Long live Soviet Russia! Long live the Dictatorship of the Proletariat! Long live the III International!"

The Secretary of the Communist Party of America published a statement in which, among other things, he said:

" 'My' country, America, formerly the most progressive country in the world, has now become the most reactionary; the impending American revolution will be more cruel and severe than the revolutions in Russia and Germany."

These expressions are, of course, those of extremists. They and their associates now comprise a very small percentage of the people of this country. But in addition to the so-called underground publications, the book stalls on the street corners in our cities are covered with literature written and published to stir up hatred, produce discontent, and in many cases, in a more or less blind and furtive way, incite to violence. One publishing house alone advertises an output of many thousands of books and pamphlets

per day, the greater part of which are of this character. The influence of such publications, especially upon immature minds, is necessarily tremendous. Largely influenced no doubt by such vicious teachings sabotage has largely increased and the law has been flouted by bands of men in different parts of the country at times of industrial troubles. To a large extent these propagandists are foreign born, although with shame it must be confessed that many of them were born and reared under the free institutions of America. The chairman of the Executive Council of the National Civic Federation in a pamphlet published as late as June 24th, of the present year said:

"A committee of The National Civic Federation, which has spent two years studying the revolutionary movements in this country, was greatly disturbed to find the extent to which they have penetrated all groups making up our national life. Not the least disquieting feature of the situation is the fact that so many men in high places have little realization of what is going on about them. For instance, it was learned that, under the very dome of the Capitol at Washington, there was an organization made up of a hundred and fifty secretaries to senators and representatives which was completely in the hands of the Reds. It had been in existence for two years, holding its meetings in the caucus room of the House, and yet few persons, even in Washington, had ever heard of it. But Moscow and the Red 'liberal' press of all nations had heard of it and knew and exploited the fact that the 'U. S. Congress Jr.' had voted in favor of the recognition of Soviet Russia.

Innumerable instances of a similar nature and equally disturbing in churches, colleges, social reform and other agencies have been cited by the committee, all showing the same widespread ignorance on the part of public men and women with regard to the pernicious activities of these subversive elements. This is all the more significant when it is realized that the governing bodies of such institutions are generally from the ranks of our most successful business men."

In so far as this literature does not incite to violence or revolution, where it does not proceed beyond the limits of permissible debate, its authors are protected by the guaranty of a free press vouchsafed to them by the very Constitution they are seeking to destroy. When they go beyond that limit, it is the duty of every lover of his country to uphold the hands of our government officials, and see that such activities are punished to the full extent of the law, and that such agitators as are foreign born be deported to the place from whence they came. But these remedies are not enough. From the foundation of our government our doors have been freely open to the nations of all Europe. In the early days we were the only important state contending for the privilege of a change of allegiance. Our second war with Great Britain very largely grew out of contentions over that question. We have latterly placed some restriction upon the right to come to our shores, but these restrictions operate more efficiently to control the quantity than the quality of the immigrant. We have been too careless of the priceless value of our heritage. We have too freely received into our citizenship without investigation, men whose chief mission has been to plot and agitate against the free institutions under which they have enjoyed liberty and opportunity such as were undreamed of in the lands of their birth. We have unloaded and turned loose in America great numbers of men whose departure from their native land was for their country's good. This must end. The inquiry into the fitness of a man to become a citizen of this republic, should begin before, not after, he comes here. It should not be a perfunctory inquiry, but as thorough as humanly possible. Our government should know the type of person who presents himself as a self-

invited guest in our house. We still have room for the honest, industrious and law-loving from other lands. We have no place for any other.

Forty years ago a great American poet wrote these words:

“Oh Liberty, white Goddess! Is it well  
To leave the gates unguarded? On thy breast  
Fold Sorrow's children, soothe the hurts of fate,  
Lift the down-trodden, but with hands of steel  
Stay those who to thy sacred portals come  
To waste the gifts of freedom. Have a care  
Lest from thy brow the clustered stars be torn  
And trampled in the dust. For so of old  
The thronging Goth and Vandal trampled Rome,  
And where the temples of the Caesars stood  
The lean wolf unmolested made her lair.”

But mere prosecutions, supervision of immigration and deportation of the unfit will not solve the question.

The agitator who keeps himself immune from prosecution by confining his attacks upon our institutions to stirring up discontent, arraying men against their fellow citizens, assailing the law and its ministers and denouncing the limitations of our Constitution, may, in many cases do more harm than the anarchist, the very violence of whose teachings usually repel rather than convince. Such men are the curbstone orators, the parlor socialists and the like. They are continually at work; they always have abundant time. All that can be said and all that can be done by these apostles of destruction will go for naught if the conscience and intelligence of America is aroused to the danger. A people who, in spite of racial origin, were so fused into one in the terrible crucible of war when assailed from without, will not, if awakened, permit either the destruction or the diminution of that

freedom our fathers won. The laws we have must be respected. Impartial justice must be rendered in our courts. It must be made clear that personal ideas of government are no excuse for crime and that all the power of the states and the nation will be used to insure the constitutional right of law-abiding people to live and work in peace and security. But beyond all this, the assailant of our free institutions must not go unanswered. The vast influence of the American Bar should be massed against this challenge to civilization. In co-operation and harmony with other patriotic organizations we should inaugurate and carry on a nation-wide movement to the end that the men and women of our generation and the youth of the coming generation be shown the value of that liberty under the law which our forefathers established. Upon the rostrum, in the press, and above all, in our schools of every grade, our people should be taught that our constitution and laws and the courts that interpret them do not destroy but preserve their liberties. Misconceptions caused by lawless agitators should be corrected. Ill-considered prejudice must be made to give way to reason. It should be emphasized that in our free land with its laws made by the people and for the people there is no place for so-called class consciousness, and that we will tolerate no government by classes; that universal suffrage entails universal responsibility. By bringing home these fundamental truths we shall be faithful to our oaths to support our incomparable Constitution, and will make certain that without impairment it will in the future, as in the past, guard and save the freedom of all our people.



# MEMORIAL DAY

*May 30, 1880.*

## CEREMONIES

—BY—

*Geo. Wright Post No. 1,*

GRAND ARMY OF THE REPUBLIC,

**SATURDAY, MAY 29, 1880.**

*"Remember that we died for the Right."*

### DECORATION CEREMONIES

*AT LONE FIR CEMETERY and NEW MARKET THEATER.*

### ORATION

*By Major E. A. Sherman of San Francisco, Cal.*

### ADDRESS

*By Rev. J. A. Cruzan at Congregational Church.*

PORTLAND, OREGON :  
FROM THE DAILY EVENING TELEGRAM.

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# Decoration Ceremonies

—AT—

## Lone Fir Cemetery and New Market Theater.

### AFTERNOON EXERCISES.

At 1 o'clock a procession was formed in the following order, under the marshalship of Comrade Geo. C. Sears, with Comrades A. W. Waters and W. C. Powers as aides:

Grand Marshal and Aides  
Washington Guard Band.  
Portland Light Battery.  
Washington Guard.  
Emmet Guard.

Knights of Pythias.  
Ancient Order of United Workmen.  
Northwestern Band.

Grand Army of the Republic.

Major E. A. Sherman, Orator, and Mrs. D. F. Smith,  
School Children, in wagon.

Rev. J. A. Cruzan, Chaplain in carriage.  
Citizens in carriages and on foot.

The procession moved down Taylor to First, up First to Main, up Main to Fourth, down Fourth to Morrison, down Morrison to First, down First to Ash, up Ash to Third, up Third to Stark, down Stark to the ferry. It was greeted by hundreds and thousands of people from verandas, windows and side-walks on all sides. After crossing the river the procession was augmented by hundreds who were in waiting, and they moved on to the cemetery. The procession moved into the cemetery and formed a hollow square about the platform and the grave which had been prepared. The band played a beautiful yet melancholy dirge, and was followed with a prayer by Comrade Chaplain J. A. Cruzan. The following introductory remarks were made by

### POST COMMANDER N. S. PIERCE:

*Comrades of the Grand Army:* Decoration Day, with its duties, has once more called us to the city of the dead.

We are here to decorate with sweet flowers the graves of our comrades who have gone before, and to renew our affections and memories of the past by ceremonies appropriate to the occasion. It is not for me to recount the history of the past, or to dwell upon the heroic lives of our comrades who placed their all upon the altar of our country in her hour of need. More gifted tongues than mine will to-day recount their deeds of valor. The fact of our thus assembling here, proves that we hold it the dearest and most precious of all her honors, "The memories of our noble dead," and with that the fact we were a part of that patriotic host—the army that preserved the nation. Among all our heroes and brothers in arms who sleep to-day the sleep that knows no waking, let their memories be fresh at all times, and let them live and be ever green in the recollection of us who survive them. We are here to speak for them to-day. Those who are left we love and respect, and the memories of those who are dead we revere. When they

passed away either in the din of battle or on the sick bed, their ascension robes were made doubly white on account of their patriotic devotion. As each year of the past decade has turned, the army of our dead has increased, and that of the living diminished, and shortly shall we too be recruits in that Grand Army now beyond the skies and clouds.

As we prize our best nature, and would that our fellow-men should respect us whilst living and honor us when dead, so let us never forget our len comrades. We cannot forget. The silent watches of the night and the sacred ties of fellowship lift us in frequent communion to that sphere of a higher and purer life where peace forever reigns.

The patriotic dead—that devoted throng now in everlasting reunion. When we count the presence of Lincoln and the mighty host of soldiers whom he so dearly loved, who may speak their worth? Not until we, like they, shall have escaped the confines of clay, and become all intelligence, shall we be able to know or appreciate the merits of those who died for our country and for us. But we will remember—

They died for the right, and are roaming

The morn-lighted realms of the just,  
And no message comes back through the gloam-  
ing

That shadows mortality's dust.  
But if they could waft us a token

From bloom-bordered isles of delight,  
They'd breath through the silence unbroken—  
"Remember we died for the right!"

"Forget, if ye will, all the places

Left vacant of workshop and farm;  
Forget all the forms and the faces  
That vanished at war's dread alarm;  
Forget the stockade where we languished,  
Forget battle-fields where we fell,  
Forget all the hearts we left anguished  
With sorrow too bitter to tell.

"Forget when the spring time discloses

Her vestments of verdure and bloom,  
To lay the fresh garland of roses  
And violets sweet on our tomb;  
Forget the bright homes we've forsaken,  
For homes down in death's darkened night.  
But remember for what we were taken,  
Remember we died for the right.

"We prized them, life's joys and its beauty,  
And blessings God sends from above:

But life was not precious as duty,  
And honor was dearer than love  
So, for honor of country her burden  
We bore through the storm-beaten night,  
And we ask that ye grant but the guerdon—  
Remember we died for the right."

The band rendered "Auld Lang Syne," after which a memorial hymn was sung by pupils from the Central school, under the direction of Miss Clara Olds. A piece from the band was followed by a most beautiful and impressive recitation:

Cover them over with beautiful flowers,  
Deck them with garlands, these heroes of ours,  
By Misses Katie Pierce, Lola Dalton, Lena Morgan, Blanche Hersey, Josie Buchanan and Katie Brack. Then came a poem by Prof. R. C. White, a tender, well written tribute, which was much admired. After another selection by the band, adjutant O. Summers rendered the following:

#### ROLL CALL OF THE POST:

Anderson, Thomas, Co. B, Thirteenth Missouri cavalry.

Arnold, Isaac, Co H, Fifty-first Illinois inf.  
Bush, D B, Jr, Second Illinois cav.  
Borthwick, A E, Co B, Fourth N Y art'y.  
Blum, Louis, Co F, Ninth U S inf.  
Best, E M, Co F, Thirteenth Mich vol.  
Brownmiller, G W, Co B, mounted riflemen.  
Bittner, J, Co C, Twenty-sixth Pa inf.  
Brown, E R, Co I, Seventieth Ill inf.  
Cruzan, J A, Co F, Third Iowa inf.  
Courtney, J E, Co G, Forty-ninth Maine inf.  
Calkins, L A, Sixth Wisconsin battery.  
Coker, J R, Co D, Thirty-sixth N Y inf.  
Cook, E, Co I, Eighth N Y art'y.  
Corwin, A, Co B, Vermont reserve corps.  
Critez, W F, Co A, Fifth Kansas cav.  
Crouch, J A, Co C, First Oregon inf.  
Canaan, D P, Co B, Thirty-fourth N Y inf.  
Delashmutt, Van B, Co G, Third Cal inf.  
Dampfhofer, M, Co C, First Ogn cav.  
Dellenback, C, Co D, Third Cal inf.  
Everson, W T, Co B, First Ogn inf.  
Eller, J W, Co I, Twenty-second N J inf.  
Fort, J P, Co F, Seventeenth Ill inf.  
Grant, C, Co K, Sixteenth N Y inf.  
Grumely, E J, Thirteenth Wisconsin battery.  
Huey, J H, Co B, Ninth Mo cav.  
Harvy, P, Nineteenth Iowa inf.  
Irwin, J R K, Co A, First Ogn cav.  
Jordan, T A, Co E, Thirteenth N Y inf.  
Jones, H, Co C, Twelfth Wisconsin inf.  
Johnson, Thos, Co I, Eleventh N J inf.  
Krug, K C, Co B, Thirty-fifth Ill inf.  
Keeler, B, Co G, Thirteenth Ohio cav.  
Lee, S P, Co E, Third Indiana cav.  
Leweston, L, Co D, Tenth Minnesota inf.  
Lent, J J, Co G, Second Colorado cav.  
Liberty, J H, Co C, Mich Eng corps.  
LaGrande, J, Co C, Fifth U S inf.  
Merriman, E R, Co F, West Va inf.  
Murray, I W, Co C, Twenty-third Pa inf.  
Neal, F R, Co D, First U S cav.  
Newbury, W S, Co F, Eighth Kansas inf.  
Neer, D D, Co K, One hundred and thirty-third N Y inf.  
Nolan, E, Co K, Thirty-sixth Wis inf.  
Oatman, H B, Co I, First Ogn inf.  
Pierce, N S, Co A, First Connecticut inf.  
Palmer, W D, Co B, Tenth Minnesota inf.  
Powers, W C, Co B, Thirteenth N H inf.  
Ryan, E W, Co A, First W T inf.  
Rusk, J D, Co G, One hundred and seventh Ill inf.  
Root, H C, Co F, Eighteenth Iowa inf.  
Reed, F, Co J, Forty-eighth N Y inf.  
Stearns, D H, Co F, First U S S S.

Sears, G C, Co I, Eighth Cal inf.  
Schwab, R H, Co F, Forty-seventh Pa inf.  
Sanders, I N, Co D, Sixty-sixth Ind inf.  
Sargent, E M, Co F, Twenty-fifth Iowa inf.  
Summers, O, Co H, Third Ill cav.  
Surtcliff, H, Co E, First Wis inf.  
Steffen, M, Co G, Eighteenth Wis inf.  
Simpson, E, Co G, Eleventh Mich inf.  
Smith, E P, Co I, Thirty-second Ohio inf.  
Spencer, T, Co K, One hundred and fourteenth Ill inf.  
Showers, W, Co E, Fourth Cal inf.  
Staples, C G, Co I, Ninth Maine inf.  
Saylor, W H, First Ogn inf.  
Story, F, Co B, First Cal cav.  
Shellscoft, G, Co F, Second Delaware inf.  
Thompson, D P, First inf.  
Tuttle, B B, Co H, First Connecticut inf.  
Tierney, M, Co F, Second U S art'y.  
Waters, A W, Co F, First Ogn inf.  
Williams, J T, Co F, Sixth Mass inf.  
Wray, J, Co H, Twenty-seventh Mich inf.  
Wheat, J R, Thirty-fifth Ky inf.  
Welch, A H, Co F, Eighth Iowa cav.  
Wilcox, T M, Co G, Third Mo cav.  
Wetzeler, W W, Co H, Fourth Pa inf.  
Yates, C P, Co H, First Colorado inf.

#### COMRADE G. C. SEARS

Next responded to the sentiment, "Our comrades absent from roll-call to-day," as follows:

*Comrades of the Grand Army of the Republic:*—Another year has passed away and another memorial day has come to us, reviving memories of the past struggles, when we stood shoulder to shoulder in the very face of death, defying the horrors of the battle-field, in order that our country might live and become in reality that which she only appeared to be for nearly one hundred years—the dwelling-place of liberty—and a home where the lonely and oppressed people of all other lands might find peace and plenty. We triumphed in the struggle, and liberty was rescued from the blood and carnage of the battlefield. Slavery threw off her chains, and the great curse and lie that was attached to the name of freedom was removed—let us hope forever.

It was a dear victory, bought with the warm and generous blood of our patriotic comrades, with the tears and heart-ache of sisters, mothers and wives—with the incurable sorrow of gray-haired men, who gave the best treasures of their affection to swell the mammoth sacrifice which alone could save our country from disruption and consequent degradation. But the debt was paid, even to the last tear—the last wail of sorrow—and the last drop of patriot blood. It is to commemorate these events, and do honor to the brave soldiers who gave their heart's blood to the cause of right and justice that we are assembled here. They are absent from roll-call, but they are present in our hearts, and we are thankful to the Great Commander that we are spared to speak the praises of our absentees, and strew flowers upon the graves of our cherished dead. But soon this privilege will be denied us, for year after year death writes "absent" on the roll of the Grand Army of the Republic. One by one the boys are falling from our ranks, and a sad and eloquent silence follows the calling of their names, and we know that a few more graves will be added to the tens of thousand, and a few more flowers will be wanted, and that is all. But



where are the absent ones who will never answer their names again? Scattered all over this broad land of ours—sleeping in unknown graves or beneath the garlands that loving hands have placed there, are the absentees from roll-call. Absent, but accounted for. Stricken from the company roll, they are entered on the roll of honor; but they still live in the hearts of their comrades—in their country's love, and in the whispered and tearful prayers of those who are bound to them by the ties of love and affection.

"Twas a victory, but it cost us dear,  
For that company's roll that was called that night,

Of a hundred men who went into the fight,  
Numbered but twenty who answered "here."

COMRADE C. P. YATES

Followed next in reply to the beautiful sentiment, "The widows and orphans of our fallen comrades," and said,

To our comrades, absent from roll-call, but one answer has been made: They are dead—no deserters or skulkers here. They are dead. To them retreat has sounded the last time. Taps have beat; their lights have been put out, and they are now awaiting the grand muster that is to take place above. We turn from them to their widows and orphaned children, and taking them by the hand with love and gratitude in humility, and with reverence we say by the sacred memories of our comrades gone before us, if the cold and pitiless storms of adversity are breaking around you, we will step to your side and shield you; if the wolf is at the door, with the strong arm of affection and the shield of love, and good will; we will stand upon picket and keep him from you. You are the nation's wards, and we, as the executors of the last will and testament of our comrades, will see that justice is meted out to you, that you are sheltered from want, and the names of your husbands and fathers kept bright, their memories revered, so long as we remain a nation, or the sheen of the stars and stripes shall cast their glamour over the morning and the evening skies,

COMRADE E. W. RYAN

Responded to the sentiment, "Decoration Day," as follows:

*Comrades:* Civil war has dotted our country o'er with soldier's graves, and with the formation of the Grand Army of the Republic the sad but beautiful and patriotic task of perpetuating the memory and strewing flowers over the last resting places of those brave men who gave their lives to their country in the years of its supreme peril commenced, and Decoration Day was established. Let the true nature of the day, and the principles it involves, be clearly understood. Let no one say that in the observance of Decoration Day, we, of the Grand Army, have any selfish or ignoble motive in view. The nation has given a different verdict, for as each recurring Decoration Day brightens anew the memory of our silent comrades, personal affection and public sympathy combine to honor its observance. As ex-soldiers, our sympathies go out to the widows and orphans of our fallen comrades. Accustomed from our army life to acts more than words, we express our thoughts in deeds, and many a widowed heart and orphaned household is happier, many a comrade's life whom the

ravages of war had thrown maimed and helpless upon the cold charities of the world, is brighter to-day through the substantial relief and consolation the Grand Army has brought them; but while we perform our duty to the living, we never forget the duty we owe to the dead—to those well-nigh countless heroes who went forth in the spring time and bloom of their lives to battle in defense of the right, and who became willing sacrifices on their country's altar that our Republic might live, and while we of the Grand Army, on the day set apart as sacred to their memories, bring our floral offerings and deposit them on their graves, thousands, aye, millions of true and loyal hearts unite with us in these sad but beautiful rites, and bear with them their tributes of respect and deck the hallowed ground beneath which sleeps all that is mortal of fallen heroes, with garland's woven from nature's choicest jewels, and as they deposit them over their sacred remains, bedew them with tears of sorrow, but while they weep they are proud, for they know our comrades died in defence of those who mourn, and so long as Decoration Day is observed, we have the assurance that there are loving and patriotic hearts in the land who cling to the integrity of the Union, and condemn treason to the Republic, and that civil war will not again rear its cruel crest among this people. In honor of the nation's dead I deposit these flowers; may their memory ever remain bright and green in the hearts of the people while liberty lasts.

COMRADE A. E. BORTHWICK,

In response to "The Army and Navy," delivered his address as follows:

*Comrades:*—As we assemble here to-day, to offer our tribute of respect to the dead, who sleep—some beneath the daisies and some beneath the ever-moving waves—memory brings to us the recollection of the grand and noble army on the land, and the brave and gallant navy on the sea, who fought and battled that this nation might not perish and be swept from the face of the earth; and we realize that the spirit of that army and navy still lives, and should duty call, or treason rear its hydra head, that nucleus which to-day stands like a faithful sentinel guarding our land and sea would become a restless force to sweep from our borders all foes of this the greatest and best nation within the realms of space. All hail to our army and navy of 61. All hail! and God bless our army and navy of 1880.

COMRADE FRANK L. STORY

Deposited a beautiful floral tribute upon the grave, and spoke touchingly upon the subject with the following well chosen remarks:

*Comrades and Friends:* Once more we are permitted by an all-wise Ruler who governs the affairs of nations and individuals, to pay a fitting honor to the nation's dead.

History informs us that "the lives of men live after them." The brave and loyal men of 1812, 1776 and 1861 will live forever. The past history of our country is of deep interest to all lovers of liberty. We have, as a nation, for a century honored and revered the patriots of the land whose loyalty no one can doubt. I ask you to-day, shall we do less as loyal men and loyal women, than to honor the men we this day commemorate who, on land and sea, defended the flag of our country.



We come, comrades and friends, to commemorate the dead of the nation, not as partisans, not of creed or race, but as loyal men, to honor the brave and loyal dead of our country. May their memory ever be kept sacred.

To the young and rising generation the flag of our country and its destinies will be committed. May they ever defend it and remain sacred to the honor of those we this day commemorate.

"To-day drop a flower of spring to loyal men and true,

Who fought on sea and land for you and me.  
For liberty, loyalty, and the flag they loved so well;

Strew flowers and wreaths of memory to patriotic men."

The band then played "America" and the large assembly united their voices in singing its grand patriotic lines. After the benediction by Rev. T. L. Eliot the crowd betook itself to the pleasant work of decoration.

#### EVENING EXERCISES.

Saturday evening New Market Theater was crowded to its utmost capacity with an assemblage to witness the concluding services of Decoration day. The stage on which the members of the G. A. R. post No. 1 in full uniform were seated was handsomely decorated with flags. To the right was a flower decked grave and a crape covered monument, fitting emblems for the occasion. After music by the band, the roll of honor was read by Adjutant O. Summers. This was followed by responsive services between the chaplain, Comrade J. A. Cruzan, and members, which were solemn and impressive. After a feeling prayer by the chaplain, and another selection by the band, "Battle Hymn of the Republic," in which the audience heartily joined, Miss Lola O'Connor recited with much force and in splendid spirit "For Our Motto is 'Many in One,'" and was loudly applauded. Mrs. D. F. Smith then read "Our Pledge to the Dead" with feeling and pathos almost indescribable.

By special request the young ladies who recited

"Cover them over with beautiful flowers,  
Deck them with garlands those heroes of ours."  
At the cemetery repeated the exquisite gem, which was thoroughly appreciated. This was followed by

#### MAJOR E. A. SHERMAN'S ORATION.

*Comrades, Friends and Fellow Citizens:*—Once more the roll call has sounded, and again the mournful music of the "Dead March in Saul" in plaintive notes calls the citizen soldiery of our country to respond to their names and do honor to the memory of those who have been mustered out. Once more the surviving comrades of the Grand Army of the Republic, with ranks reduced, assemble to follow the muffled drum to the silent camps of the dead, to consecrate anew the sacred turf made hallowed by the ashes of those who sleep beneath; to entwine their monuments with wreaths of *immortelles*, and strew their graves with floral garlands, the fragrant tributes of fraternal love and patriotic devotion.

Here in this silent bivouac of the dead, all is holy, all is peace. The clang of arms and the warning thunder of battle with the pattering rain from the red clouds of war, and the crimson rivulets flowing from human fountains, dyeing the earth, hath long since ceased; and tears of affection,

as memory, busy with her wand, call up with grateful recollections the deeds of the heroic dead, and cause the panorama of the past to move again before our vision.

"Our comrades sleep;

They have fought their last battle;

No sound can awake them to glory again."

But the lesson still remains to be learned, fresh inspirations of love for our country to be drawn, new resolves and pledges of fealty and loyalty to the Union are to be made and given, while each humble mound becomes an altar upon which we lay our offerings, while the Recording Angel above us registers our vows.

On such an occasion as this it is no time or place for the demagogue to rouse the passions of men to make political capital and build himself up on the deeds of those who made the sacrifice, and gratify his selfish, unholy ambition by making stepping stones of these tombs of those who gave their lives and their all for their country. Too often has the mercenary politician delved beneath the resting places of our dead comrades, and working upon the sympathies of the living, to lay the foundation of his political fortunes; and when success has crowned his efforts through their aid, his gratitude has been left behind at the gate of the cemetery, while the hungry and poorly-clad veteran soldier of the Union, who bared his breast, to the storm might perish at his door.

But, comrades, close up. We are not here to complain of disappointed hopes or broken promises of faithless politicians, or to say that the American Republic is ungrateful. We are here to pay tribute to our late companions in arms, whose memories we cherish, and to swear allegiance anew to our country, to liberty and to the holy cause of the Union, to which they and ourselves devoted our lives in common.

Nearly three thousand years ago, after Israel had triumphed in scores of bloody wars with surrounding nations, as well as over rebellion and civil strife, and after King David had been gathered to his fathers, that nation was blessed with a long reign of peace. Then it was that Solomon, the wise King of Israel, commenced the erection of that splendid and most magnificent temple the world ever saw—a noble monument of architectural grandeur and national greatness. It was a temple erected to the god of Liberty and Toleration; a house that was built without the harmony and peace of the workmen being disturbed, and every man was free, no matter whether he labored in the quarries cutting stones, getting out and hewing the timbers on Mt. Lebanon, or spreading the cement which bound the smooth and perfect ashlar in one solid wall together. Not a single slave in any capacity, direct or remote, had anything whatever to do in or about the building, or even in the removal of any of the rubbish. All were free men and free born. The temple was completed, and perfect from the lowest foundation stone to the topmost pinnacle, both within and without, while its roof, overlaid with burnished gold, shone like the sun. It was a temple of freedom and of toleration to all people, and especially to the Free Masons of all countries who had been engaged in its erection; and when the time came for it to be dedicated, that no one's conscience might be hurt by the rites of even his own religious creed, and that the priests, who were but men like all others, should be subordinate to the State, Solomon caused them to stand aside, while he himself, representing the people and the State, and for the people, dedicated it to civil and re-

ligious liberty in gratitude to Almighty God, who had led his people out of the land of Egypt and out of the house of bondage.

In that memorable prayer of dedication he prayed: "What prayer and supplication soever be made by any man, or by all thy people, Israel; and, moreover, concerning a stranger that is not of thy people, Israel, but cometh out of a far country for thy name's sake; for they shall hear of thy great name and of thy strong hand, and of thy stretched out arm, when he shall come and pray towards this house. Hear thou in Heaven thy dwelling place, and do according to all that the stranger calleth to thee 'or, that all people of the earth may know thy name, to fear thee, as do thy people, Israel, and that they may know that this house which I have builded is called by thy name."

But even Solomon at last became false to his principles and faithless to his trust. The workmen who had so faithfully wrought upon the temple became disappointed and disgusted, and were scattered. Of the gifts that Solomon received there were vain and useless peacocks to strut and scream in the courts of the temple; slaves and courtesans fanned him when he slept, while the apes brought from Sheba climbed upon the pillars, the altars and the throne, and became the abomination of Israel, by squatting upon the mercy seat of the Ark of the Covenant and chattered between the wings of the Cherubim in the Holy of Holies.

Having at last seen the end of his folly when too late, in the bitterness and anguish of his soul he exclaims, "All is vanity and vexation of spirit," and giveth up the ghost. Scarcely is Solomon laid at rest in his tomb, when almost immediately that great and prosperous nation is rent asunder. Ten of the tribes and provinces secede, set up strange gods and give themselves up to idolatry, quarrel and go to war with their brethren and with the surrounding nations, are conquered in detail and utterly lost; having neither country, name, habitation or existence, being utterly blotted out from the face of the earth.

The two remaining tribes are in turn overthrown, their temple repeatedly destroyed, they are forced into slavery and at last wiped out as a nation and scattered among all the people of the earth.

The long night of nearly thirty centuries has passed away since Israel ceased to be a nation, the scepter hath departed from Judah, though still holding fast as with the grip of a lion's paw to the faith of their fathers, the children of the ancient and favored people of God have no promised land to call their own, while they bewail the ruin of their temple, the wretchedness of their people, the loss of their country and freedom, while the Moslem stands where once was the Holy of Holies, and the blood-drenched walls of their Zion are still overthrown.

As the sons of Judah and Benjamin were despoiled, crushed to the earth and the remnant driven to wander in the deserts, so after long centuries of persecution in every conceivable form by the demons of intolerance and tyranny in the Old World, our forefathers fled to find a refuge in the wilderness of the New.

So long as the standard of despotic power waved over their colonial infancy, the mistakes and errors of the old *regime* threatened an eternal continuance and perpetuity of the evils from which they had fled. But the spirit of liberty,

with a vast continent before her, while the rolling billows of the stormy Atlantic were between her and her hereditary foes, could no longer be restrained or confined. Bursting the chains which had bound her, she cast them off, and stepped forth once more as she appeared of old, robed in the splendor of her royal apparel, and with the scepter of her majesty and power in one hand and the shield of protection in the other, she claimed and took rightful possession of America as her own.

She called her skillful craftsmen together and commanded that the temple of liberty should be rebuilt on American soil. The design was drawn upon the trestle board perfect and complete, by free men, who, directed by the Master Builder, wrought with the trowel in one hand and fought with the sword in the other. The spirit of fraternity pervaded and governed all.

The grand doctrine of brotherhood and the resurrection of the freedom of man upon the five points of fellowship were expressed in the five words of the grand design drawn upon the trestle board of a new nation that had been born: "All men are created equal," and the tessellated pavement of the new temple was to be like that of the old—part white and part black; and when "high twelve" was sounded from the old bell in Independence hall, that summoned the workmen from labor to refreshment, there rang forth the glorious tidings, "Proclaim liberty unto all the inhabitants thereof." Liberty of the body and liberty of the soul.

"All men are created equal." Tyranny, intolerance, ignorance, superstition and bigotry were swept away, and the mighty Declaration of Freedom and Independence, as with the stroke of a flaming sword, swift as a thunderbolt from the heavens, severed the chain that bound them to the car of despotism, cut the bonds of church and state, that they should be separated eternally forever, "with a church without a bishop and a state without a king."

"Crozler and crown were tumbled down,  
and met a common fate."

For seven long years, like that of Solomon's, was the temple of American freedom in building; but not like the first that was erected on Moriah's mount, was it erected in peace, but like that of the second on the return from captivity in Babylon. The workmen had to fight while they wrought, and the cement which bound the stones together was wet with their blood and the tears of their brethren, for which they gave their lives, their fortunes and their sacred honors.

From the rocky hills of New England to the swampy ground of the Carolinas, the craftsmen lovingly wrought and labored together. That no confusion might arise by the mistaking of signals of the divisions of the workmen and soldiers of freedom, the pine and the palm tree flags of colonial dependency under the common standard of the despotism they had thrown off, were laid aside, and under the flag of the skies, which became a pillar of cloud by day and of fire by night; the star clustered and sun-rayed heaven-born and God-given banner of the free, they went forward with their work with faith in God, and marched under the rainbow of promise to triumph and victory. The temple was completed, while the whole land was consecrated and cemented together with the blood and ashes of those who had fallen in its defense during its erection.



Grand old Virginia, the mother of States and of Presidents, gave the noblest and best of her sons—Jefferson, the designer, and Washington the master builder of the temple. America, like Palestine of old, became the holy land of freedom; but alas like Palestine, the land of Egypt lay too near the borders, and the turgid tide of the Red Sea ebbed and flowed between them, while there were too many that could not or would not earn a master workman's wages at home, were too often making passages into Ethiopia and bringing slaves to take the places of those who had prepared the moulds and cast the pillars of Jachin and Boaz, or of the free capital and free labor that adorned the porch of our Temple of National Union and Freedom.

Already had commenced to spread over our national horizon the Egyptian darkness of slavery, and its sombre hues to penetrate the avenues and to cast their dark shadows upon the floor over the temple. The inscription on the arch of the Union, "All men are created equal," was threatened to become obscured. To teach the first lesson of duty and set an example to his countrymen, Washington, the master builder, freed his slaves, while Virginia gave a title deed as her gift upon the altar of freedom and the Union, of all her claims to that vast territory now peopled by millions of freemen, which forms the States of Ohio, Indiana, Michigan, Illinois and Wisconsin, with the express condition that it should "be free from slavery forever;" and that its rivers might flow uninterrupted to the sea and free from all imposts whatever, the great and skilful designer upon the trestle-board of the temple, the immortal Jefferson, purchased as much more from France, that the area of American freedom might be extended, paid out of the nation's common treasury.

In the North, the free workmen for more than three-quarters of a century, with their own free capital and their own free labor, were engaged in their peaceful avocations, and with untiring voluntary industry were building up mighty and powerful States, while the brave and adventurous pioneer traversed the pathless plains and over the snow-crested mountains to the Pacific, preceded by the hardy and plucky navigator of New England who had already, in his love for the Union, given the name of Columbia to the greatest river of the continent that flows into the Pacific's boundless sea. Our country had augmented its territory, bought by the common treasury and the blood and valor of her sons, from our neighboring Republic of Mexico.

"No State lines could contract its powers,  
For the whole boundless continent was ours."

But the darkness of Egypt at last covered the land. False and apostate priests presided at the altars. In the gloom of midnight darkness, the inscription "All men are created equal" was obscured, and instead, there appeared in letters of blood, another declaration that proclaimed the destruction of liberty and the doom of the Republic, "The black man has no rights which the white man is bound to respect." The checkered pavement of the floor of the temple was to be torn up, and the altar of liberty was to be made the auction-block upon which human flesh and blood were to be sold and sacrificed to a demon worship worse than that of a Moloch. The storm-clouds of civil war in cyclones and tornadoes, swept over country and town, over mountain and vale, and over river and sea, while not

the first born alone, are stricken by the angel of death.

For four long years the demon of discord and strife, in darkness and sorrow and gloom, spread his black mantle over the land and sea; the angry waves of the red sea of calamity and war were lashed into crimson foam, and the soil that had been consecrated to freedom was drenched with the blood of her sons. But far aloft above the storm-clouds of war, and above the lightnings and rolling thunders that were rending the sky, there were "chosen thunderbolts reserved, red with uncommon wrath, for those who would build their greatness on their country's ruins," and there was heard the voice of the spirit of Liberty and Union, "Fear not; faint not. Be of good cheer, and follow thou me!"

"Let my people go, that they may serve me," was the command of Jehovah who spoke to Pharaoh through Moses, the heaven-appointed leader of the chosen people of God. "Let my people go!" was thundered far above in our national sky, while the arches of heaven reverberated with the echoes, and the tremulous waves of the air telephoned the cry to the uttermost ends of the earth.

"All men are created equal," and the emancipation proclamation of Abraham Lincoln wipes away the foul stain that blotted out the words of Jefferson's declaration, and the inscription in burning letters of "insufferable light" once more appear over the arch of the union that leads to the temple of freedom. "Let my people go!" sounds forth from the temple, and becomes the war-cry to inspire the hearts of those who are battling in defense of the Union.

The storm-cloud of civil war is at last lifted from the land, and sweet peace, like a dove, returns once more to a country redeemed and disenthralled. But ere the promised land is reached, on Pisgah's mountain-height, Jehovah calls his chosen leader, Moses, home. So he who led and guided the Union hosts, while their song of triumph and rejoicing is heard, and the sun of our liberty is photographing his gorgeous rainbow of promise and peace on the dark background of horrid civil war, that was swiftly passing away, the spirit of Lincoln, the martyr and savior of Columbia's temple of freedom and home, is ruthlessly torn from its casket and sent to repose in the bosom of his God. Like one of old, who said there was no such deed done in Israel since the children of Israel came up out of the land of Egypt; Consider of it and speak your minds. Friend and foe alike stood aghast while darkness and mourning and gloom once more settled down all over the land. In that dread and awful hour, when the hearts of men were almost bursting with uncontrollable grief, with indignation and wrath, and the spirit of revenge seemed to brood over the land, and the passions of men were about to be loosed in a more terrible form than before, the angel of mercy stretched forth her hand, and like the Savior of men upon the troubled waves of the sea, commanded "Peace! be still!" and they obeyed him. "So the remainder of wrath was restrained."

The sublimest spectacle that the world ever saw, proving the solidity of the foundations and structure of our temple and of republican government, established by our fathers, was the calm, cool judgment of the people asserting its sway in the suppression of its just and righteous wrath in that awful hour when the heart of the nation

nearly ceased to beat with the shock. "He that ruleth his spirit is greater than he that taketh a city." "We had no hand in his death, and receive no benefit of his dying." "We are soldiers, not assassins, and he was the South's best friend," were the truthful utterances of those who had lain down their arms and gave up their "lost cause."

"We believe you," said the magnanimous victors. "Return in peace to your homes, obey the laws of your country, and honorably keep your parole."

Lincoln was borne like a dead monarch to his tomb, while the vast hosts of millions of American freemen of mighty and powerful States, marched in mournful procession of nearly two thousand miles from the banks of the Potomac, where sleeps the father of his country, and from the shores of the stormy Atlantic to the calm prairies in the center of the continent, where flows the great river of the valley, while a wail of lamentation went up around the globe. There rest his ashes; and though once attempted to be desecrated and robbed from the casket which confines the sacred dust of the immortal Lincoln, there our guard of honor keeps watch while he sleeps, and the jackals and ghouls of sacrilege, of dishonor, the fit representatives of that power that has for nearly a score of centuries, cursed the earth, are kenneled and chained in the dungeon of the felon. "Fear not them which have power to kill the body but cannot kill the soul; but fear those who claim to have the power to destroy both body and soul in hell."

The tomb of the martyred Lincoln, like that of Washington, the father of his country, and like that of the Holy Sepulchre, where once laid He who is called the Saviour of men, has become the shrine of the pilgrims of the world. Loved as no man on earth has been loved by the people, his memory will be cherished as long as humanity exists, and the tear of affection and gratitude will continue to water his tomb from the eyes of countless generations yet unborn.

"With malice toward none, and charity for all," and "Father forgive them, they know not what they do," are words which will go linked together, while the angels of mercy and kindness shall find their way from the great white throne to the habitations and hearts of men.

So on this hallowed memorial day, from every city and town, village and hamlet of this broad land, from the lakes to the gulf, and from ocean to ocean, on mountain and plain, by the river and the sea, from whence came the vast hosts of the defenders of liberty and union, the sacred memories of those who have fallen are cherished and revered. The same story will be told how they fought and suffered for their country, and died. A grateful people assemble to remember their patriotism, their sacrifices, and their heroic deeds of the past, and to offer the incense and tribute of flowers, while the Grand Army of the Republic pay the soldiers' last honors to the dead, who yet speaketh saying unto us, like Him who spake as never man spake before, "As often as ye do this, do it in remembrance of me."

When Abraham Lincoln was first about to be inaugurated as President, on the 4th day of March, 1861, when he had escaped the snares of his enemies and of the Union—when the hearts of the people were throbbing with misgivings and apprehensions of the awful and terrible events which were about to burst upon the nation, and just before the oath of office was about

to be administered to him, there was an old soldier and veteran of the Mexican war who had bravely led his regiment of Illinois volunteers on the battle field of Mexico, and who had been one of Lincoln's best neighbors and friends, led him forward to take the oath of office. That man was also beloved by all who knew him. In harmony with the same righteous cause and for which he also was to offer up his life for his country, and fall gallantly leading his men on the field of battle. That man was the silver-tongued "Grey Eagle," the true-hearted gallant Edward Baker, the Senator from your own State of Oregon, whose clarion voice rang out like that of a bugle upon the air, "one blast of which was worth a thousand men." When the Spanish navigators first sailed along the shores of your State, they gave the name of "Orejon" to this land on account of the large jewels that the natives wore in their ears. "Orejon," or "Oregon," was a land of jewels, but the brightest gem that glistens in the diadem of your State is he who was the friend of Lincoln, the gallant soldier, the patriot and statesman, Oregon's Senator, and the "Grey Eagle" of America, Edward Baker. He sleeps beside Broderick at Lone Mountain, near the murmuring waves of the ocean, which will eternally moan their mournful requiem in memory of him whose eloquent tongue that once stirred the masses of men, now lies silent in the grave. California stands guard over his ashes, and to day will cast the sweetest of her flowers on the couch where he sleeps.

"Peace hath her victories no less than war."

My brave old commander in the Mexican war, in honor of whom your Post has been named, Gen George Wright, who had so often thrown around this people the arm of his protection from the merciless savage, maintained the peace and the integrity of the Union on this coast without the shedding of a drop of blood of his countrymen, and like a brave soldier that he was, calmly and serenely meets his fate beneath the billows of the ocean; but even the sea gave up its dead, and he now peacefully sleeps in the valley of the Sacramento, where like tributes of memory and affection, to-day will be dropped upon his grave. While in thousands of other places of our beloved and blood-cemented Union, and all over the land, the graves of our dead comrades will be watered with the tears of affection and a grateful nation will pay its deserved and honored tribute to the memory of those who fell in its defense; yet here, far away on the extreme verge of the threshold of our national domain, where no blood was shed or kindred made to mourn midst scenes of fratricidal strife, we come to place our chaplets on the graves of those who came to these distant shores to lay them down in peace and sleep.

The past, like a horrid dream, has long since vanished away, and for fifteen years a merciful Providence has poured upon us in plenteous showers the blessings of peace. The angel of loving kindness has appealed to our better natures as American citizens again united, and said, in the language of Holy writ, "let the North give up and the South keep not back." The roses and the daisies bud and bloom, where our comrades fell, whose life-blood spilled, still paints their ruddy hues, and sends their fragrant incense up in sweet perfume to mingle with the breath of God. There let them rest and sleep, till the bugle and the "thunder drum of



heaven" shall sound the reveille of the resurrection morn.

The heroes of the revolution and of the war of 1812 are no longer mourned, while the veterans of the Mexican war as they rapidly approach their allotted time, are gradually and quietly being mustered out. And as the Christian no longer mourns over the death of a crucified Saviour, but rejoices in the glories of his resurrection and ascension, so do the American people remember the deeds of the immortal heroes of the past, knowing that there could be no salvation or preservation of liberty and the Union without the shedding of blood, they gather to-day at the door of the sepulchre from which the stone of slavery that barred it has been rolled away.

In that great sacrifice and atonement that was made for the sins of the whole nation, our country had a "new birth of freedom." On this day, "with malice toward none, and with charity for all," when passion and hatred have so long been swept away, when our reason and our judgment are cool, and we can calmly as reconciled brethren (who have once been estranged) reflect and examine the causes which led to that long, sad and sorrowful war between us as American citizens, let us ask ourselves the questions: Who set our brethren to destroying each other? Who were to be benefitted by the overthrow of our temple of liberty and the rending asunder of the American Union? Who were to gain anything by the destruction of our nation? What are the lessons to be taught us on this sweet and hallowed memorial day that we may learn them while we may yet "number our days and apply our hearts unto wisdom?"

That we may reason and examine intelligently, let us go back for a period of eighty-four years and again take for our unerring chart the farewell address of Washington, and see how near we have been, and still are, of being wrecked upon the hidden rocks and quicksands pointed out by that most skilful pilot that launched and sailed our national ship of state, in the infancy of the Republic. Says Washington, "Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens), the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most powerful foes of a Republican Government."

"As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions; to practice the arts of sedition, to mislead public opinion, to awe or influence the public councils?"

"Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

"In offering to you, my countrymen, these counsels of an old an affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some practical benefit, some actual

good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare by which they have been dictated."

Such is a portion of that priceless legacy and words of wisdom, given unto our fathers and to us by the immortal Washington, the father of his country, the master-builder of the temple of American Union and freedom. What mountains of misery, what rivers of bloodshed and sorrow and of national disaster and burdens of debt might have been avoided, and how much prosperity been secured and happiness enjoyed if our countrymen had only heeded his advice? To foreign influence, machination and intrigue, has chiefly come our domestic troubles, unhappiness and woe. False issues have been thrust before the people to blind their eyes, to arouse sectional jealousy, envy and hate, and the flower of American intelligence, chivalry and valor, has been drowned in an internecine war, and perished in its own blood.

It was foreign influence and intrigue here in your own midst, by the eternal foe of our country, that stirred up mischief among the Indians to destroy American rights and interests for the benefit of foreign mercenaries on American soil, and the blood of the murdered Whitman, and all who have fallen victims by the tomahawk and Hudson Bay Company rifles and muskets, still crieth unto God from the ground.

Foreign influence and intrigue absolved the soldiers in our army from their oath of allegiance and duty during the war with Mexico, caused them to desert their flag and join the enemy, and the most withering and murderous fire we received on the field of battle was from the legion of foreign deserters from our own ranks before the walls of the City of Mexico.

Comrades of the Mexican war, how well you know of what I speak, and of the gallant bravery of George Wright (in honor of whom this post is named) on the field of Cherubusco, and of the ignominious fate of those who were captured and justly met their doom.

When the act of secession was first declared, the *London Times* exultingly said: "The great republic is no more!" while foreign influence and hate caused the swarms of blockade runners filled with the munitions of war to swarm along our shore, to destroy our commerce and drive our flag from the seas. The oceans were lighted up all over the globe, among the icy fields of the arctic sea and along the torrid zone from our burning ships until the *Keersarge* sent the Jesuit pirate filled with foreign crews to the bottom of the deep.

Foreign influence and foreign arms took advantage of our calamitous war, and tore down our sister republic on the south and planted an empire upon its ruins, to become a base from which it might raid upon our soil. But thank God it met with a fate deserved.

Foreign influence and foreign intrigue absolved the naturalized citizen from his oath of allegiance to the Union in the south and converted him into an armed and perjured foe; while in the north it burnt the orphan's home and to the lamp posts in the streets hung the loyal citizens for no other reason than that they were to the union true, and because that they were black.

Foreign influence has driven the Bible from our public schools to find a lodgment only in the penitentiary and jail; and foreign intrigue is poisoning and would destroy the fountain from which all the children of the nation may freely drink. That Bible upon which Washington and all the



presidents, judges, senators, governors and the innumerable hosts of the servants of the people from time immemorial have been sworn, through foreign influence and intrigue alone, has been thrust out from its honored and rightful place where our fathers and the founders of the republic left it. That magna carta from the hand of God from which to us as a people every good and perfect gift has come should be restored. Our fathers and our mothers placed and kept it there, and there never was a quarrel over it. That grand old mother of fraternities of which Washington and the vast hosts of American freemen and patriots were members (and to which so many of us belong) has kept it upon its altars and borne it along like the ark of the covenant of old in its processions where it has been the honored though silent witness at the laying of the corner stones of all the grand edifices of education, of sciences, of legislation, of justice and of freedom in our land. It lies upon the altar of our country and upon the altars of every noble institution that teaches "the fatherhood of God and the brotherhood of man;" then why should foreign influence and foreign interference insult the American nation by attempting to drive it into exile by foreign emissaries and minions upon American soil? "Righteousness exalteth a nation but sin is a reproach to any people." "In the name of the Great Jehovah and the Continental Congress" let it be restored to the public schools where it belongs.

Foreign influence and intrigue now threaten our free institutions, and already our temple of liberty and union is in danger. The foreign jackal and coyote of the commune is howling in the courts of the temple and the ape of the sand lot has laid his vile paw upon the ark of the covenant, while the interminable hordes of the heathen have come into our inheritance, threatening the destruction of our temple and to bury us all in one common ruin. Who shall be left to own this soil, or to decorate these hallowed graves of our patriotic dead? are questions of the most serious and vital importance, involving the very life of the nation.

When our country invited a reasonable and honest immigration from Europe on the one hand and made a treaty with China on the other, in neither case did we expect to receive the scum and off-scourings of two continents in armies of invasion, to tear down our free institutions or drive us out of our homes. This is a state of dread and unpleasantness most fearful to contemplate from which the American mind turns with disgust, indignation and horror. The vandals of Europe and the Asiatic vermin are among us.

To the honest, industrious and well meaning immigrant we extend a warm and hearty welcome to our shores. If you come from the land of Emmet, Graton and Moore, then strive to emulate your countrymen like Montgomery, Shields or a Corcoran, and let such sons here spring from your loins as a Jackson, a Broderick and a Sheridan to do honor to our flag, and let the sunburst without the wolf dog of your land also light up and gladden our shores.

Let Sweden furnish us with her Ericssons and Dahlgrens on the one hand, and Germany, with her Steubens, her Sigels, and Carl Schurz on the other hand.

If you come from the motherland of old England, then take him for your example who came from your home, whom the state of Oregon and the nation delighted to honor, the incomparable and matchless knight of eloquence and valor, the friend of Lincoln and Broderick, the gallant and immortal Edward Baker.

To such an immigration we extend the right hand of fellowship, and welcome to all the immunities and privileges of citizenship that we the native sons of the soil here enjoy.

Often are we met by the insult, that "the native born American is a citizen only by accident while the naturalized citizen is one from choice." This is as false as the ingrate is unfitted to receive and possess the proudest patent of nobility and royalty that can be given on earth, that of a free sovereign American citizen.

The naturalized citizen is only one by our consent, bound by his oath and honor, and it is our duty to hold him to the faithful performance of the conditions of his contract and his bond.

The title of Roman citizen represented, freedom, privilege and power, and he who obtained it by purchase, valued it far more than what it cost.

When Paul had been taken prisoner and was about to be scourged, he asked "Is it lawful for you to scourge a man that is a Roman and uncondemned?" Said the chief captain unto him, "Tell me, art thou a Roman?" and he said "Yea." And the chief captain answered, "with a great sum obtained I this freedom," and Paul said "But I was free born!" and the chief captain also was afraid after he knew that he was a Roman, and because he had bound him.

So with the free born American citizen, he never wore the badge of servitude of tyrants or the collar of the subject, and no yoke or burden of royalty or hierarchy was ever borne upon his neck to be thrown off and cast aside before he could be invested with the title and privilege of sovereign American citizenship.

So to the honest immigrant who comes to our shores and seeks this priceless boon which has cost so much blood and treasure to secure, we say come and enjoy all these things with us; but let it be on your part a full, complete and entire renunciation of all allegiance of every kind and character that binds you to any authority whatever in the old world from which you come.

There is an old refrain that "Uncle Sam is rich enough to give you all a farm" which is true, but he does not intend that you shall all go upon only one farm and make a corral and a sand lot rodeo stamping ground of it, for then you would become like beasts and cease to be men and totally unfit to be made American citizens.

Send your children with ours to our free public schools, to be taught the principles of virtue and morality and to learn the history of our country, that they may grow up and be fitted to become loyal American citizens, true to liberty and the union; and in the hour of trial if need be, to also like those whose graves we decorate to-day, be ready to lay down their lives in its defense.

As the bride promises to love, honor and obey her husband, who in turn promises to love, cherish and protect her, so in our national domestic affairs here in America, let the bond of the naturalized be loving, affectionate and complete, leaving foreign intermeddling mothers-in-law and relations behind.

Let Washington's Farewell Address continue to be our counsel and guide.

Is Lord Byron's gloomy picture of the rise and fall of nations indeed a true portrayal of the order of the world and shall such be the fate of the American republic?

"Here is the moral of all human tales,  
'Tis but the same rehearsal of the past.  
First freedom and then glory—when that fails,  
Wealth, vice, corruption, barbarism at last,  
And History with all her volumes vast  
Hath but a one page!"

No. God forbid; but on the contrary, let us turn to the language expressed by our own loved American poet, Henry W. Longfellow:

"Thou too sail on, O Ship of State,  
Sail on O Union, strong and great,  
Humanity with all its fears,  
With all the hopes of future years,  
Is hanging breathless on thy fate!  
We know what Master laid thy keel,  
What workmen wrought thy ribs of steel,  
Who made each mast, and sail, and rope,  
What anvils rang, what hammers beat,  
In what a forge and what a heat  
Were shaped the anchors of thy hope!  
Fear not each sudden sound and shock,  
'Tis of the wave and not the rock.  
'Tis but the flapping of the sail,  
And not the rent made by the gale!  
In spite of rock and tempest's roar,  
In spite of false lights on the shore,  
Sail on, nor fear to breast the sea.  
Our hearts, our hopes are all with thee,  
Our hearts, our hopes, our prayers, our tears,  
Our faith triumphant o'er our fears,  
Are all with thee—are all with thee."

Let our country be free and independent indeed; free from vice and immorality; free from party

rancor and sectional hate; free from ignorance, bigotry and superstition; free from the vile *commune* and Mongolian armies of invasion; free from the dry rot of corruption and monasticism which threaten the overthrow of our free institutions. Away with the garrisons filled with foreign mercenaries invading our land, eating out our substance, and who acknowledge no allegiance to our country and its laws, but who are eternally plotting its ruin and have sworn to destroy it.

Never before in the history of our country until in the centennial year of our freedom and independence were the people of this union compelled through their two great political parties and insert it in their declaration of principles, their unanimous protest against foreign influence and intrigue of ecclesiastical interference with their own free public schools.

Hands off from these nurseries of the youth of our country, or we will fence them in with bayonets if need be and entrench them within walls of fire.

Intelligence, virtue and love of country alone through the free public schools of America, secured us under God, our freedom and independence, and from them came the Grand Army of the Republic that has preserved us as a nation.

Then let us heed these last words of the immortal Washington, and be true to the heroes whose warfare is o'er, true to the sacred cause for which they died, true to our country and to God, and while the smiles of his providence are still bestowed upon us, and we treasure the memory of the dead, then so long as the Sierras and the Cascades shall rear their white rampart walls to the skies and Shasta and Rainier and St. Helens and Hood with their silver crowned helmets shall pierce the heavens, and the Columbia from their brows, their bosoms and from their feet shall flow to the sea, our country shall be united and forever be free.

### Sunday Evening Exercises.

Congregational Church was over-crowded last night, the occasion being memorial exercises by George Wright Post, G. A. R. Many were unable to gain admission. The musical portion of the exercises by the choir, with organ and orchestra accompaniment, were more than usually interesting. The dirge "He sleeps, know," the solo part being sung by Mrs. Cruzan was one of the most feeling productions ever presented in this city and was rendered with softness and delicacy. Rev. J. A. Cruzan, before the dirge, delivered the following address:

#### THE PATRIOTISM OF 1861 AND 1880.

II. Sam., 1: 27. How are the mighty fallen, and the weapons of war perished!

A little more than nineteen years ago the nation heard the booming of guns at Sumter. How their thunder rolled from state to state. And at the sound how the slumbering north awoke, like a giant out of sleep, and girded itself for war. No more dallying then! No more paltering over party trifles. No more indolence or cowardice, but a grand uprising and rallying for country and for right. What days those were! And what men they produced! From the farm, from the shop, from the store,—from the palace of luxury, from the hovel of want—they came,—fresh cheeked boys; bearded men; bridegrooms from the altar; fathers from the cradle side. They were grand men and true soldiers.

What transforms the man into a true soldier? The true soldier is he who risks his life in behalf of an idea—not in the interest of mere adventure, glory or power. However dull and commonplace the man, if the still small voice speaks to him of duty, freedom, truth—if these fire his soul and send him forth to conflict, then like Milton's Michael on the ramparts of heaven, he becomes the divinely equipped warrior, commissioned to fight the battles of the ages and of God. In 1861 one million

such men sprang to arms. Mothers sent forth their sons, wives their husbands, maidens their lovers, and put in their hands guns loaded with a principle and swords that thought Three hundred thousand brave men! and true gave their lives in defense of principle! It is fitting that every year the nation should pause and remember them—should stand with bared head and tear filled heart by their graves, and as flowers and tears fall upon the sods, breathe forth the sad refrain of David for Saul and Jonathan: "How are the mighty fallen in the midst of battle! O Jonathan, thou wast slain in thine high places." "I am distressed for thee, my brother Jonathan. Very pleasant hast thou been unto me. Thy love to me was wonderful, passing the love of women. How are the mighty fallen and the weapon of war perished!"

1860 and 1880! Twenty years have passed since that first union victory was won at the ballot box in the election of Abraham Lincoln to the presidency. A generation, then in their cradles, all unconscious of the stirring events of that time will this year cast their votes for President. It is to this generation largely that I speak. It has seemed to me that I could choose no more timely theme for this hour than this: "The patriotism of 1861 and of 1880." Standing here to-night, after the lapse of nearly two decades, we may properly interrogate the patriotism of 1861.

1. As to its motive. Was it right? Was it justifiable in going to war? Has it justified itself to the conscience of Christendom and to the judgment of history? I answer yes, abundantly. Were our fathers justified in coming to this land at all? Were they justified in enduring the hardships and making the sacrifices which it cost them to lay here the foundations of this nation? Has the declaration of independence justified itself to Christendom? Has the battle of Bunker Hill justified itself to history? By the answer to these questions we may settle the one before us. If the patriotism of 1776 was right, then the patriotism of 1861 was right. For what the former established the latter preserved. It was the uprising of the children to preserve the legacy of the fathers. More specifically: The rebellion sought to accomplish two things, both of which were wrong in principle and utterly indefensible in method. The first was the preservation of the institution of slavery, an institution inconsistent not only with the spirit of the age but with the foundation principles of our republic, and one which the Christian conscience of the nation had already begun to curtail and threatened to overthrow. The second, which was indeed but a means for accomplishing the first, was the dismemberment of the union—the substitution in the place of one strong, self-consistent government of two rival governments with the way open for just as many more as there might be found factions to rebel and ambitious men to lead. In other words, it was nothing else than the destruction of the nation—and all for the sake of saving from extinction the inhuman crime of slavery. Against such a purpose we were bound by every solemn obligation to oppose our utmost power of resistance.

Our whole history, from the landing of the Pilgrims to 1860, was a series of Divine Providences by which God has committed to us the sacred trusts which the rebellion sought to betray—the precious treasures which it sought to destroy. Much as we abhorred war, and shrank from it, we abhorred baseness and disloyalty more. Not only with conscience void of offense, but with a profound conviction of the call of Heaven we took up arms and went forth to battle for righteousness, for home, for country and for the future. Then came four years of terrible war. The patriotism of 1861 proved of what stuff it was made, when, outlasting the defeats and disappointments, and the spontaneous enthusiasm of the first few months of the war—it settled resolutely down to its work, and became the patriotism of 1862 and of 1863, and of 1864, and of 1865—never flinching or flagging till its task was done. Then came Appomattox and peace.

2. But after all what did the patriotism of 1861 accomplish? It was heroic, it was self-sacrificing it was persevering. It fought with a noble courage. It shrank from no toil or danger or injury. It suffered bravely. It bled freely. It died gloriously.



ously. But have the results justified the stupendous sacrifices? What are the results?

In the first place, the union was preserved. We kept the trust committed to us. And that is a result past all computation.

In the second place, we freed the slave. We did not mean to do it, but God so ordered. It was one of the incidental results of the war. It is all the more valuable because so manifestly providential. If we look at the enormity of the sin which emancipation brought to an end, the blood and the treasure expended in four years of war was not too costly an atonement for the crime of 200 years. If we look at the benefits of liberty to four millions of our fellow men, the price paid is not too high.

In the third place, we have reaped new benefits to ourselves. What would this nation be to-day if, instead of conquering we had been conquered? We are a free and prosperous people to day, and we owe it largely to the patriotism of 1861.

In the fourth place: We have demonstrated to the world, and to all coming ages, that a free people can maintain their government against all enemies without and within. The union army did not fight for this nation merely, nor for the deliverance of slaves on our own soil; but, for liberty everywhere! That every bondman on the globe might have hope! That every patriot might rejoice. That every traitor, and every oppressor on the whole earth and in all coming time might tremble and be ashamed. The shout of our victories sounded around the world. It will echo down over the ages to come.

Fifth, and not least of the blessings which this patriotism has bequeathed to us is the power of its example upon the minds of the people.

Comrades, since you fought those battles where your scars and your honors were won, and where your comrades nobly fell, a whole generation have come upon the stage of active life.

To the voter who casts his first ballot this year, the deeds of the union army are known only as you know those of Washington's army, from the records of history.

It is no slight honor to have been able to make a record that shall live while liberty lives—a record that shall be an inspiration to those who come after you. Comrades! Of that record you are a part. Your names may not be written there—but your deeds are. From them the patriotism of this generation, and all coming generations, shall kindle itself.

As in 1861 you looked back to the heroic struggle of 1776, and your heart was nerved for the contest by the examples of those who followed Washington at Germantown and suffered with him at Valley Forge—so will future generations gain inspiration from the deeds of the men who followed Grant down into the Wilderness, or Sherman at Atlanta, or Sheridan through Shenandoah, and suffered at Andersonville and Libby prison.

This thought brings us on from the patriotism of 1861 to the patriotism of 1880. Of what quality should it be? To what deeds should it address itself? In quality it will not differ from that which was at before in 1776 and 1861. A genuine patriotism is the same in all circumstances and to all times. It springs from the same emotions, it rests upon the same principles, it is pervaded by the same spirit. The objects of patriotic devotion are always the same. Our country, our institutions, liberty, righteousness, truth, home, humanity. Patriotism is always timely. There is always something for it to do. The nation still has need of brave, noble men, who, like those of '76 and '61, at the call of duty will go straight forward.

Right and wrong still wage battle. I notice, first, that the war itself laid upon this generation grave duties. For four years the two armies contended over the question of national unity. So far as force could decide, the contest ended in the triumph of our national motto: "Our Union—one and inseparable!" But mere force cannot bind and hold our nation together. That can only be done by reestablishing—north and south—that spirit of fraternal love and brotherhood which marked the early years of our nation's history. Only when the heart of north and south is knitted together once more in love, for each other and for our nation, will national unity be permanently secured. Has the work been done?

Certain great principles also were at stake in '61: Nationality as opposed to state sovereignty, liberty and equality, human freedom. These were decided temporarily by casting the hilt of the sword into the balance. Remove the weight of the sword—and necessity has forced its removal—then the only way to secure the permanent acceptance of these great principles on which our nation is founded is to enthrone them in the hearts of our people, north and south. Here is a great work to be done. Men talk as though the crisis passed away with the war. Nay; it but just begun. In 1865 the nation, like a patient from fever, rose up with system purified, and addressed herself to the grand possibilities of the future.

With us rests that future. The conservative influences of a nation's life are largely moral. A man's life may be saved by amputation, but his system must be built up by other means. For four years the nation groaned upon God's amputating table. War may make a nation free, but war cannot insure her freedom. War may write principles in letters of flame and blood on a hundred battle fields, but peace must apply them; peace must carry them out; peace must consolidate the nation's system; must give the patient an opportunity to build up and strengthen her resources—to perpetuate and establish that which war has won. Here is a grand field for genuine patriotism.

The nation stands imperiled by certain great dangers. I content myself to-night with merely mentioning them. They are:

1. The Catholic church—a foreign hierarchy claiming supreme authority over millions of American citizens and secretly working to secure the control of our nation.

2. Communism—raising its armed hand and torch of the incendiary against all institutions and government. We heard its first gun at Pittsburg in 1877. It was a sound as ominous as the first gun at Sumter.

3. The spoils system—turning our presidential elections into grand gift enterprises.

4. Ignorant, unintelligent, universal unrestricted suffrage.

5. A low tone of morals—both in public and private life. All the forces which threatened the life of the nation did not lay down their arms in 1865. The nation to day is confronted by social, civil and political enemies, as potent, as deadly and as sure to destroy it, unless met and overthrown as armed treason itself. In this conflict of opinions—into this moral campaign God calls every lover of his country—no matter what the color of the uniform he wore in 1861.

Let me press this thought in conclusion: As in 1776 and in 1861, so in 1880, the true strength of patriotism is in the moral and religious elements that pervade it. Twice already has the moral element in this country saved it. When Cornwallis surrendered at Yorktown and when Lee surrendered at Appomattox, they surrendered to the invincible moral element in the national cause—to an army and a nation that had written on their banners:

For right is right, since God is God,  
And right the day must win;  
To doubt would be disloyalty,  
To falter would be sin.

We are in danger of forgetting wherein our real power lies. Of trusting to blind destiny or to our institutions, instead of a loyal, God fearing liberty loving people. Good institutions are a grand thing. But they are not self executing. They are only machinery, depending on the force that propels them. They must have men behind them. They need intelligence and virtue to execute them. Good laws never last long when administered by bad men. Bad laws are tolerable if administered by good men. Good institutions have not saved Mexico from anarchy, nor South America from confusion. The sentiment of equal rights—which this old flag symbolizes—must be more than a mere national watchword—it must be wrought into the very nature of our people. Liberty and equality are good things, but they can live only where truth and charity reign. Liberty does not depend on each man's ability to defend his own rights, but on each man's readiness to respect the rights of every other man. The old

est and best statement of liberty—the original of the declaration of independence—you will find in four lines of this old book: "Therefore, whatsoever ye would that men should do unto you, do ye even so to them!" And that is Christianity.

When that kind of liberty shall become dear—aye, a part of every American, then shall patriotism have won a complete victory, and America will be indeed a nation whose "God is the Lord, which shall never perish from the face of the earth!"

Comrades of George Wright Post; These memorial days to you are doubly sacred. To the loyal citizen the annual strewing of flowers is only a fitting tribute of a grateful nation to her dead heroes. It is that to you; but more: to you it is also a love offering, wet with holy tears, laid on the graves of friends and brothers! With memorial day, to you, comes also the past, and those who fought with you. Once more they march at your side—you feel the touch of the shoulder of some Jonathan whom you loved as tenderly as David loved his. Dead—nearly two decades—but you love him still. Your eyes fill with tears as you think of that awful day when he fell at your side.

The battle swept on. You could not even stay to bury him; so he sleeps unknown!

'No tear was shed upon his lonely grave,  
No funeral dirge in honor of the brave:  
By hurried soldier hands his covering thrown,  
Then quickly on the slab was carved 'unknown'!"

And still the battle raged. He sleeps unknown! Dead—lying in nameless, unknown, undecorated grave, but not forgotten. Each year, in heart, you cover the graves of your dead with immortelles. And they do not forget us. Charnel house and gate of glory open their lips, and louder than our "much speaking" comes the eloquence of the buried and translated. And this is their message. 'We died for country. Will you live for country? We call on you who scatter flowers on our graves to take up the work where death snatched it from our hands: to make the patriotism of 1880 as pure, as noble, as brave, and as self sacrificing as was that of 1861 or 1776!"

The doxology was then sung, and the exercises closed with responsive services of the G. A. R.











# ORATION

DELIVERED BY

ILL. EDWIN A. SHERMAN, 32°,

(Acting Grand Minister of State, pro tem.)

BEFORE THE

## GRAND CONSISTORY,

OF

Masters of the Royal Secret, 32°,

*Ancient and Accepted Scottish Rite of Freemasonry,*

IN AND FOR THE

STATE OF CALIFORNIA,

AT ITS GRAND ANNUAL COMMUNICATION,

Held in the City of San Francisco, January 12th and 13th, 1881.

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SAN FRANCISCO:

GEORGE SPAULDING & Co., STEAM BOOK AND JOB PRINTERS,

414 Clay Street, below Sansome.

1881.





# ANNUAL ORATION.

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VENERABLE GRAND MASTER AND BRETHREN:

A decade has passed away since the first Annual Communication of this Grand Consistory was held in this city. Then it was an infant of but three months old, lying in its swaddling clothes, having no form or comeliness, while the wise men of the East saw no star in the heavens to direct their steps to its humble cradle, and they brought no gifts of frankincense or myrrh as offerings to the young Prince of the Royal Secret. Yet it was of the royal seed of the House of David and the rightful heir apparent to the throne, and entitled to all the privileges, prerogatives, rights and dignities within the Holy House of the Temple.

In its infancy it had to crawl and creep along the cold tessellated pavement, and only occasionally received warmth from the few scattering rays of the sun that darted through some small aperture in the upper part of the Temple, to smile upon the young infant playing alone upon the floor. Yet the child grew in strength and beauty with its years, for its constitution was healthy and its form moulded in symmetry in the Rite of Perfection. Watched over and guarded by its faithful nurses through the various diseases incident to childhood, it has grown up while fed upon half rations as it were, until in spite of untoward circumstances it stands forth to-day in all the beauty and strength of young manhood, armed, equipped and clothed in its royal apparel, and with its princely coronet upon its brow commands the respect of all. Neither arrogant nor defiant, but self-poised, conscious of its own dignity and power, it modestly but firmly grasps the sceptre and the sword, exclaiming "*Ordo ab Chao,*" "*Deus meumque jus!*" I bring order out of the chaos of my infancy and youth, and henceforth in my manhood it shall be "God and my right!"

Ten years have rolled away and carried into their tombs some who were present at its birth and helped to bear a portion of the burden of its younger years. Many of its supporters have fallen

by the wayside and cease to exist, but the "Myrtle" still lives where it was planted, and the "Yerba Buena" flourishes in perfection, is cherished by the Princes of Jerusalem and entwined around the Rose Croix, mingling their fragrance and perfume together; while the Beauseant, borne still by the Black and White Eagle waves like an oriflamme in triumph among the stars of heaven, and the sons of Godfrey de St. Omar exclaim in their hour of rejoicing, *Dieu le veut!* It is the will of God! Prejudice and animosity have given way before the courageous perseverance and struggling toil of those who have rallied around the sacred standards of the Ancient and Accepted Scottish Rite, and a gallant spirit of chivalry has animated the hearts of the Knights and Princes of the "Royal and Military Order of the House of the Temple" here among us, as stirred the hearts of the valiant chevaliers of France, who exclaimed, "if the starry curtains of heaven were to fall we will hold them up with our lances!" The great underlying principles of our Rite, and the beauty of its ritual, together with the chain of lawful title to the possessions of the Knights Templar, and whose legitimate descendants we are, are the ties which have united us in this sacred bond of brotherhood.

The pyramid constructed upon its apex must conform at last with the law of gravitation and turn over upon its proper base, for there are no props strong enough to support it, nor sufficient atmospheric pressure beneath it to maintain its poise, and in this free land of ours the ruler and law-giver can only rule by the consent of the governed.

Luther threw off the cowl of the monk and the iron yoke of Pope Leo X fell to the ground, but he did not cast aside the great principles of a free and enlightened Christianity, but purified in the laboratory of his mighty intellect and refined in the crucible of a noble and generous heart, he stepped proudly forth in the broad sunlight of the Reformation, and the Great Light shone forth in all its glory and splendor in the sixteenth century, and will continue to shine through all the ages yet to come. So should it be with our beloved Scottish Rite. Let the pyramid stand upon its base and its apex will no longer remain in the shadow of its own creation; and with a uniformity and symmetry of perfection in a representative government, resting solidly and firmly upon its base, its grand stairway and ladder



of the Kadosh may indeed become like that seen by Jacob in his dream, upon which angels were seen descending from heaven to earth, and ascending from earth to heaven.

In looking over the past ten years and what has not the Ancient and Accepted Scottish Rite of Freemasonry done for the world and for humanity? Peoples have been redeemed and disenthralled from the yoke of spiritual and temporal despotism and nations released from bondage; while Italy, which for so many years lay stretched upon the earth fettered and bound in every limb with the foot of each continuous papal despot upon her neck, now relieved from the chains of slavery, stands forth in all the grandeur and strength of a united nation, commanding the respect and esteem of an enlightened world.

Oh spirits of Mazzini and Cavour, the glory of thy achievements blends with that of Garibaldi, the patriot hero and prophet, in the triumph of the struggles for individual and national freedom. Said Ill. Bro. Giuseppe Garibaldi, in May, 1867: "As we have not yet a country because we have not Rome, so we have not Masonry because we are divided. I have faith that Masonic unity will draw to itself the political unity of Italy. Let them, therefore, lay aside profane passions, and conscious of the high mission entrusted to them by the noble Masonic institution, let them create the moral unity of the nation. We have not yet material unity, because moral unity is wanting. Let Masonry establish this and that will soon be established. Brethren, I add no more. You, of this sacred and unfortunate land of just attempts, will do a work truly worthy of the sons of the Vespers, if to your patriotic glories you add this other, the aureole of a moral and Masonic revolution. Let us unite and be strong, rally to conquer vice with virtue and evil with good, and the country and union will thank you."

"Masonry being the most ancient bulwark of Right and Conscience, and therefore the true antagonism of the Papacy, which is the antithesis of Progress and Civilization, I implore my brethren of all the Italian Lodges to interest themselves for us poor Romans, oppressed by the immoral domination of the bitterest enemy of Italy and Humanity."

Said the Grand Orient of Portugal: "Let all the Masonic bodies of the world illuminate their adepts, that they may form a grand and symbolic chain from the East to the West, and may

oppose the force and union of our brethren and the sublime principles of liberty, equality and fraternity, to the shameful doctrines in the code of Jesuitism condensed in the syllabus, which can only be defended by falsehood, ignorance and the concupiscence of the satellites summoned to deliberate in the coming Ecumenical Council."

"Rome, the citadel of falsehood and intolerance, still maintains itself and defies humanity; by the *non possumus* and the Ecumenic Council it aims to wrest from the peoples the conquests which we have made for all alike. The heart of the Popes is to-day that Babylon debased, sponge of all the vices, source of all iniquities. Enemy of God, it dares to war against His immutable laws. Impious priests, preaching war and extermination, aspire to envelope the peoples in the fratricidal strifes that denationalize the sacred dogma of Fraternity. The dream of the Jesuits, flattered during two centuries, will be the last to be dispelled. The single flock with a single shepherd, the universal theocracy, having the Pope for chief, is in the material order a monstrosity in presence of the progress of the free institutions of the nineteenth century, and the result of the approaching council will be the triumphant response of liberty to the last attempt of the reactionists. The temporal power will fall, and the Roman citizens, freed at last from their eternal executioners, will enter into the community of free peoples. Masonry as the sanctuary of liberty, independence and justice, will offer up prayers for this result; and Portuguese Masonry, in whose bosom the love of country and of humanity is learned and purified, will not be among the last to send up to the Supreme Architect of the Universe, supplicating prayers for the glorious triumph of the holy cause of which it is the advocate."

How faithful has been the prophecy! In the triangle upon our tracing board of the camp there are three birds represented—the black raven, the white dove (colors of the beauseant) and the phoenix. The old mythological legend of the phoenix is a familiar one. The bird was described as of the size of an eagle, with a head finely crested, a body covered with beautiful plumage and eyes sparkling like stars. She was said to live six hundred years in the wilderness, where she built for herself a funeral pyre of aromatic woods, which she ignited with the fanning of her wings, and emerged from the flames with a new life. Hence the

phoenix has been adopted universally as a symbol of immortality. The phoenix is the symbol of an ever-revolving solar cycle of 608 years, and refers to the Phœnician word *phen*, which signifies a cycle. Aumont, the first Grand Master of the Templars after the martyrdom of De Molay, and called the "Restorer of the Order," took, it is said, for his seal, a phoenix brooding on the flames, with the motto, "*Ardet ut vivat;*" *she burns that she may live.*

Brethren, this legend of the phoenix is with us not altogether a myth. The solar cycle of six hundred years is nearly completed since our martyred Grand Master, Jacques de Molay, was consumed upon the funeral pyre, erected by the demons of hatred, avarice and fanaticism, and the Military Order of the House of the Temple was immolated upon the blazing fires of persecution and exiled to the wilderness of brutal and savage life. It hid among the rocks of the mountains, took refuge in caverns where the lamp of reason and intelligence gave it light, and the fountain of hope in the future refreshed it, and it still lives, although for nearly six hundred years pursued by no less than sixty-five Popes with bulls of anathema. Companioning now with its fellow-sufferers and partners in woe, the persecuted sons of Israel, it forms with them the *B'nai B'rith*, and the covenant of Jacob and Benjamin is tightened and held fast by the grasp of the lion's paw of the tribe of Judah.

"*Spes mea in deo est,*" the dying words of De Molay nearly six centuries ago, was but another form of King David's prayer, to be forever repeated upon the floor of the Temple, "My trust is in God," until time and Freemasonry shall be no more. The phoenix has gathered up the wood and fagots left from the fires of persecution which still smoulder, and over the ashes of the dead past she has again built her funeral pyre, to be again lighted by the fanning of her wings when the nineteenth century shall close, and she will rise again to newness of life.

To the faithful Masonic student and searcher after truth, if he will not mistake the shadow and the symbol for the substance and reality, but will enter upon the investigation of what Freemasonry teaches and exemplifies with an honest purpose of heart, divested of the falsity of preconceived notions and ideas, and with a mind unwarped by prejudice and willful obstinate ignorance, he will find the truth bursting open and full upon his

vision, with the most perfect reflection in the mirror held up true to nature with the sharpest of outline in the Ancient and Accepted Scottish Rite. That horrible tragedy of treachery and murder of De Molay, treasured in the memory of the remnant of the Templars who fled to Scotland and to Germany, pursued by the bloodhounds of Clement the Fifth and his coadjutors, was transmitted to their descendants, the Huguenots, who took their name from Hugo de Payens de Guenoc, the very founder at Jerusalem of the Order of the Temple. The learning and the knowledge of the arts and sciences were not entirely destroyed upon the destruction of the Order of the Temple. Though hiding in the cavern of the dark ages, they still kept the holy fire as a lamp which gave them light, and the thought that the knowledge of God and the freedom of the soul was yet attainable in the years to come, was a fountain of joy and hope to them who believed that the cause of intelligence and enlightenment should yet triumph on the face of the earth.

Having built their own preceptories and priories they were masters in architecture as well as operative masons in construction. The legend of the mythical death of the Grand Master Builder of the Temple of Solomon, unsupported by history, either sacred or profane, was an invention to conceal in disguise that of their own Grand Master of the Temple, De Molay. Now hidden in one form or rite of ceremonies, and changing again to another, to flee from the pursuit of the Jesuits and Dominicans, the murderous spies of the Vatican, it has been continuously carried and transmitted from continent to continent, the isles of the sea and circumnavigated the globe.

To Desaguliers, the Huguenot of Rochelle in France, who was the third Grand Master of England in 1719, is the society of modern Freemasonry indebted for the grafting upon it when men were made Free and *Accepted* Masons, the mythical legend of the Third Degree. This legend was always known to the individual Scottish Freemason, but scattered in every country without a Grand Master or head, it was left for the Huguenot and Reformer to seize the opportunity of availing himself of the advantage of the organization of operative Masons, when assembled in four working Lodges around St. Paul's at London, under the direction of Sir Christopher Wren.

The entrusting the Great Light—the Bible—that all might



read it for themselves and form their own religious belief out of it, and sacredly guarding and protecting the same right for others, was to surround the altars of Masonry with a compact brotherhood in defense of the common right of all.

Toleration was the cardinal precept taught by King Solomon in the construction and dedication of the first Temple at Jerusalem, and the same lessons were taught and inculcated by Hugo de Payen with the other eight founders of the Order of Knights Templar; and so it continued to be, down the entire line of Illustrious Grand Masters of the Order.

In spite of persecution and extermination a remnant sufficient was always left to keep the Holy Fire, which now was concealed in gloomy caverns, blazed on the mountains of Scotland, on the Alps or the Tyrol, or to glow upon the altars of Masonry. Though changing oft, yet it was ever the same; known to its true friends and recognized always by its hereditary foes, it has never failed to evoke anathemas and persecutions from the papal power, or wanted defenders to guard and protect it.

Wherever the Ancient and Accepted Scottish Rite maintains with true spirit and dignity its rightful claims to recognition and flourishes, there liberty is enjoyed to its fullest extent; nations are prosperous, the people are happy, each man sitting under his own vine and fig-tree, none daring to molest or make him afraid.

“Fling out the banner as of old!  
 Age hath not stained the whiteness of its fold;  
 Once more we lift the sacred standard up.  
 Oh! what a valiant host have fought and bled,  
 Beneath that banner to the wind outspread,  
 Since first it moved against the infidel!  
 Who knows not how it waved in Salem's towers,  
 When Acre, Ramba, Nazareth were ours,  
 And at Tiberias fell?  
 Fell with the Knights who bore it to the field,  
 When foulest treason broke the Christian shield,  
 And bade the Turkish crescent sign advance—  
 Fell, but to rise again with triple pride,  
 When, bounding o'er the tide,  
 The armies came of England and of France.  
 And who is he, the leader of that band,  
 Who first sets foot upon the Holy Land?  
 Move on, unrivalled champion that thou art!  
 Shout, brethren, shout! aloft your banners fling—



'Tis he, the Christian's hope, the Island King—  
 Richard, the Lion-heart!  
 Then Acre fell, the Moslem foe went back,  
 And still our brethren followed on their track;  
 And ever in the van of battle flew  
 The sacred Beauseant, like a meteor star  
 Shedding its wrath afar  
 Upon the foul and unbelieving crew.  
 Unvanquished still, till fraud—not force combined  
 With basest envy in a despot's mind—  
 Dragged from its staff that glorious emblem down  
 And poured, like water, forth the guiltless blood,  
 When Jacques Molay, the valiant and the good,  
 Received his martyr crown.  
 Then perished all—yet no; on Scottish ground  
 Some remnant of the Templars still was found,  
 Whom even treason did not dare to quell.  
 Walter de Clifton! honored be thy name!  
 Who, braving death and shame,  
 Didst vindicate thine Order's truth so well.  
 Years passed away ere yet the warring world  
 Beheld again the Templars' flag unfurled;  
 But England saw the Rosy Cross return  
 Once more to light, and scattering dismay  
 Within their ranks upon that glorious day  
 When Bruce won Bannockburn.  
 Then raise it up, companions, once again,  
 Though now it waves not on the battle plain;  
 True hearts are here to guard its spotless fold;  
 Forever honored be the Templars' name;  
 Forever dear their fame  
 Fling out the Beauseant banner as of old"—  
 Up with the Beauseant on land and sea;  
 Unfurl it with the banner of the free,  
 The red, the white, the blue, the black and white—  
 The stripes by day, the stars by night,  
 The standards of our Scottish Rite,  
 By Lodge, by Chapter and Consistory,  
 The banners of TRUE FREEMASONRY.



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## Revival of State Sovereignty in Congress.

### SPEECH

OF

# HON. JAMES A GARFIELD,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

JUNE 27, 1879.

The House being in Committee of the Whole on the Marshals' appropriation bill, June 27, 1879—

Mr. GARFIELD said:

Mr. Chairman, "to this favor" it has come at last. The great fleet that set out on the 18th of March, with all its freightage and armament, is so shattered that now all the valuables it carried are embarked in this little craft to meet whatever fate the sea and the storm may offer. This little bill contains the residuum of almost everything that has been the subject of controversy at the present session. I will not discuss it in detail, but will speak only of its central feature, and especially of the opinions which the discussion of that feature has brought to the surface during the present session. The majority in this Congress have adopted what I consider very extreme and dangerous opinions on certain important constitutional questions. They have not only drifted back to their old attitude on the subject of State sovereignty, but they have pushed that doctrine much further than most of their predecessors ever went before, except during the period immediately preceding the late war.

So extreme are some of these utterances that nothing short of actual quotations from the Record will do their authors justice. I therefore shall read several extracts from debates at the present session of Congress, and group them in the order of the topics discussed.

Senator Wallace (Congressional Record, June 3, pages 3 and 5) says:

The Federal Government has no voters; it can make none, it can constitutionally control none. \* \* \* When it asserts the power to create and hold "*national elections*" or to regulate the conduct of the voter *on election day*, or to maintain *equal suffrage*, it tramples under foot the very basis of the Federal system, and seeks to build a consolidated government from a democratic republic. This is the plain purpose of the men now in control of the Federal Government, and to this end the teachings of leading Republicans now are shaped.

\* \* \* \* \*  
There are no national voters. Voters who vote for national Representatives are qualified by State constitutions and State laws, and national citizenship is not required of a voter of the State by any provision of the Federal Constitution now in practice.

\* \* \* \* \*  
If there be such a thing, then, as a "*national election*," it wants the first element of an election—a national voter. The Federal Government, or (if it suits our friends on the other side better) the nation, has no voters. It cannot create them, it cannot qualify them.

Representative Clark, of Missouri, (Record, April 26, page 60,) says:

The United States has no voters.

Senator Maxey, Texas, (Record, April 21, page 72,) says:

It follows as surely as "grass grows and water runs" that, under our Constitution, the entire control of elections must be under the State whose voters assemble; whose right to vote is not drawn from the Constitution of the United States, but existed and was freely exercised long before its adoption.

Senator Williams, Kentucky, (Record, April 25, page 8,) says :

The legislatures of the States and the people of the several districts are the constituency of Senators and Representatives in Congress. They receive their commissions from the governor, and when they resign (which is very seldom) they send their resignations to the governor and not to the President. They are State officers and not Federal officers.

Senator Whyte (Record, May 21, page 14) says :

There are no elections of United States officers and no voters of the United States. The voters are voters of the States; they are the people of the States, and their members of the House of Representatives are chosen by the electors of the States to represent the people of the States, whose agents they are.

Mr. McLANE. Do I understand him to say that the Government of the United States has the right to keep the peace anywhere within a State? Do I understand him to say that there is any "peace of the United States" at all recognized by the Supreme Court of the United States?

Mr. ROBESON. Certainly I do.—(Record, April 4, page 14.)

Mr. McLane (Record, April 4, page 15) says :

I believe that the provision of law which we are about to repeal is unconstitutional; that is to say, that it is unconstitutional for the United States to "keep the peace" anywhere in the States, either at the polls or elsewhere; and if it were constitutional, I believe in common with gentlemen on this side of the House that it would be highly inexpedient to exercise that power.

When that law used the phrase "to keep the peace" it could only mean the peace of the States.

It is not a possible thing to have a breach of the United States peace at the polls.

Senator Whyte (Record, May 21, page 18) says :

Sovereignty is lodged with the States, where it had its home long before the Constitution was created. The Constitution is the creature of that sovereignty. The Federal Government has no inherent sovereignty. All its sovereign powers are drawn from the States.

The States were in existence long before the Union, and the latter took its birth from their power.

The State governments are supreme by inherent power originally conceded to them by the people as to the control of local legislation and administration. The Federal Government has no part or lot in this vast mass of inherent sovereign power, and its interference therewith is utterly unwarrantable.

Senator Wallace (Record, June 3, pp. 3 and 4) says :

Thus we have every branch of the Federal Government, House, Senate, the executive and judicial departments, standing upon the State governments, and all resting finally upon the people of the States, qualified as voters by State constitutions and State laws.

Senator Whyte (Record, May 21, p. 15) says :

No, Mr. President, it never was declared that we were a nation.

In the formation and adoption of the Constitution the States were the factors.

These are the declarations of seven distinguished members of the present Congress. The doctrines set forth in the above quotations may be fairly regarded as the doctrines of the Democracy as represented in this Capitol.

Let me summarize them : First, there are no national elections ; second, the United States has no voters ; third, the States have the exclusive right to control elections of members of Congress ; fourth, the Senators and Representatives in Congress are State officers, or, as they have been called during the present session, "embassadors" or "agents" of the State ; fifth, the United States has no authority to keep the peace anywhere within a State, and, in fact, has no peace to keep ; sixth, the United States is not a nation endowed with sovereign power, but is a confederacy of States ; seventh, the States are sovereignties possessing inherent supreme powers ; they are older than the Union, and as independent sovereignties the State governments created the Union and determined and limited the powers of the General Government.

These declarations embody the sum total of the constitutional doctrines which the Democracy has avowed during the extra session of Congress. They form a body of doctrines which I do not hesitate to say are more extreme than was ever before held on this subject, except perhaps at the very crisis of secession and rebellion.

And they have not been put forth as abstract theories of government. True to the logic of their convictions, the majority have sought to put them in practice by affirmative acts of legislation.

Let me enumerate these attempts. First, they have denounced as unconstitutional all attempts of the United States to supervise, regulate, or protect national elections, and have tried to repeal all laws on the national statute-book enacted for that purpose. Second, following the advice given by Calhoun in his political testament to his party, they have tried to repeal all those por-



tions of the venerated judiciary act of 1789, the act of 1833 against nullification, the act of 1861, and the acts amendatory thereof, which provide for carrying to the Supreme Court of the United States all controversies that relate to the duties and authority of any officer acting under the Constitution and laws of the United States.

Third. They have attempted to prevent the President from enforcing the laws of the Union, by refusing necessary supplies and by forbidding the use of the army to suppress violent resistance to the laws, by which, if they had succeeded, they would have left the citizens and the authorities of the States free to obey or disobey the laws of the Union as they might choose.

This, I believe, Mr. Chairman, is a fair summary both of the principles and the attempted practice to which the majority of this House has treated the country during the extra session.

Before quitting this topic, it is worth while to notice the fact that the attempt made in one of the bills now pending in this House, to curtail the jurisdiction of the national courts, is in the direct line of the teachings of John C. Calhoun. In his "Discourse on the Constitution and Government of the United States," published by authority of the legislature of South Carolina in 1851, he sets forth at great length the doctrine that ours is not a national government, but a confederacy of sovereign States, and then proceeds to point out what he considers the dangerous departures which the government has made from his theory of the Constitution.

The first and most dangerous of these departures he declares to be the adoption of the twenty-fifth section of the judiciary act of 1789, by which appeals were authorized from the judgments of the supreme courts of the States to the Supreme Court of the United States. He declares that section of the act unconstitutional, because it makes the supreme court of a "sovereign" State subordinate to the judicial power of the United States; and he recommends his followers never to rest until they have repealed, not only that section, but also what he calls the still more dangerous law of 1833, which forbids the courts of the States to sit in judgment on the acts of an officer of the United States done in pursuance of national law. The present Congress has won the unenviable distinction of making the first attempt, since the death of Calhoun, to revive and put in practice his disorganizing and destructive theory of government.

Firmly believing that these doctrines and attempted practice of the present Congress are erroneous and pernicious, I will state briefly the counter propositions:

I affirm: First, that the Constitution of the United States was not created by the government of the States, but was ordained and established by the only sovereign in this country—the common superior of both the States and the nation—the people themselves; second, that the United States is a nation, having a government whose powers, as defined and limited by the Constitution, operate upon all the States in their corporate capacity and upon all the people; third, that by its legislative, executive and judicial authority, the nation is armed with adequate power to enforce all the provisions of the Constitution against all opposition of individuals or of States, at all times and all places within the Union.

These are broad propositions; and I take the few minutes remaining to defend them. The constitutional history of this country, or rather the history of sovereignty and government in this country, is comprised in four sharply defined epochs:

First. Prior to the 4th day of July, 1776, sovereignty, so far as it can be affirmed of this country, was lodged in the Crown of Great Britain. Every member of every colony (the colonists were not citizens but subjects) drew his legal rights from the Crown of Great Britain. "Every acre of land in this country was then held mediately or immediately by the grants from that Crown," and "all the civil authority then existing or exercised here, flowed from the head of the British Empire."

Second. On the 4th day of July, 1776, the people of these colonies, asserting their natural inherent right as sovereigns, withdrew the sovereignty from the Crown of Great Britain and reserved it to themselves. In so far as they delegated this national authority at all, they delegated it to the Continental Congress assembled at Philadelphia. That Congress, by general consent, became the supreme government of the country—executive, judicial and legislative in

one. During the whole of its existence it wielded the supreme power of the new nation.

Third. On the 1st day of March, 1781, the same sovereign power, the people, withdrew the authority from the Continental Congress and lodged it, so far as they lodged it at all, with the Confederation, which though a league of States, was declared to be a perpetual union.

Fourth. When at last our fathers found the confederation too weak and inefficient for the purposes of a great nation, they abolished it and lodged the national authority, enlarged and strengthened by new powers, in the Constitution of the United States, where, in spite of all assaults it still remains. All these great acts were done by the only sovereign in this Republic, the people themselves.

That no one may charge that I pervert history to sustain my own theories, I call attention to the fact that not one of the colonies declared itself free and independent. Neither Virginia nor Massachusetts threw off its allegiance to the British Crown as a colony. The great declaration was made not even by all the colonies, as colonies, but it was made in the name and by authority of "all the good people of the colonies" as one people.

Let me fortify this position by a great name that will shine forever in the constellation of our Southern sky—the name of Charles Coatsworth Pinckney, of South Carolina. He was a leading member of the constitutional convention of 1787 and also a member of the convention of South Carolina which ratified the Constitution. In that latter convention the doctrine of State sovereignty found a few champions; and their attempt to prevent the adoption of the Constitution, because it established a supreme national government, was rebuked by him in these memorable words. I quote from his speech as recorded in Elliott's Debates :

This admirable manifesto, which for importance of matter and elegance of composition stands unrivaled, and sufficiently confutes the honorable gentleman's doctrine of the individual sovereignty and independence of the several States. In that declaration the several States are not even enumerated, but after reciting, in nervous language and with convincing arguments, our right to independence, and the tyranny which compelled us to assert it, the declaration is made in the following words: "We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent States."

The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who framed this declaration. The several States are not even mentioned by name in any part of it, as if it was intended to impress this maxim on America—that our freedom and independence arose from our union, and that without it we could neither be free nor independent. Let us, then, consider all attempts to weaken this union by maintaining that each is separately and individually independent as a species of political heresy which can never benefit us, but may bring on us the most serious distresses.

For further and equally powerful vindication of the same view, I refer to the Commentaries of Justice Story, vol. 1, p. 197.

In this same connection, and as a pertinent and effective response to the Democratic doctrine under review, I quote from the first annual message of Abraham Lincoln, than whom no man of our generation studied the origin of the Union more profoundly. He said :

Our States have neither more nor less power than reserved to them in the Union by the Constitution, no one of them ever having been a State *out* of the Union. The original ones passed into the Union even *before* they cast off their British colonial independence, and the new ones each came into the Union directly from a condition of dependence, excepting Texas. And even Texas, in its temporary independence, was never designated a State. The new ones only took the designation of States on coming into the Union, while that name was first adopted for the old ones by the Declaration of Independence. Therein the "united colonies" were declared to be "free and independent States;" but, even then, the object plainly was not to declare their independence of *one another*, or of the *Union*, but directly the contrary, as their mutual pledge and their mutual action before, at the time, and afterward abundantly show.

\* \* \* \* \*

The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution. The Union and not themselves separately, procured their independence and their liberty. By conquest or purchase, the Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and in fact it created them as States. Originally some dependent colonies made the Union, and in turn the Union threw off their old dependence for them and made them States, such as they are. Not one of them ever had a State constitution independent of the Union. Of course it is not forgotten that all the new States framed their constitutions before they entered the Union; nevertheless, dependent upon and preparatory to coming into the Union.

In further enforcement of the doctrine that the State governments were not the sovereigns who created this government, I refer to the great decision of the

Supreme Court of the United States, in the case of *Chisholm vs. The State of Georgia*, reported in 2 Dallas, a decision replete with the most enlightened national spirit, in which the court stamps with its indignant condemnation the notion that the State of Georgia was "sovereign" in any sense that made it independent of or superior to the nation.

Mr. Justice Wilson said :

As a judge of this court I know, and can decide upon the knowledge, that the citizens of Georgia, when they acted upon the large scale of the Union as a part of the "people of the United States," did not surrender the supreme or sovereign power to that State; but, as to the purposes of the Union, retained it to themselves. As to the purposes of the Union, therefore, Georgia is not a sovereign State.

\* \* \* \* \*  
Whoever considers in a combined and comprehensive view the general texture of the Constitution will be satisfied that the people of the United States intended to form themselves into a nation for national purposes. They instituted for such purposes a national government, complete in all its parts, with powers legislative, executive, and judiciary, and in all those powers extending over the whole nation. It is congruous that, with regard to such purposes, any man or body of men, any person, natural or artificial, should be permitted to claim successfully an entire exemption from the jurisdiction of the national Government?

Mr. Chairman, the dogma of State sovereignty which has reawakened to such vigorous life in this chamber, has borne such bitter fruits and entailed such suffering upon our people, that it deserves more particular notice. It should be noticed that the word "sovereignty" cannot be fitly applied to any government in this country. It is not found in our Constitution. It is a feudal word, born of the despotism of the middle ages, and was unknown even in imperial Rome. A "sovereign" is a person, a prince who has subjects that owe him allegiance. There is no one paramount sovereign in the United States. There is no person here who holds any title or authority whatever, except the official authority given him by law. Americans are not subjects, but citizens. Our only sovereign is the whole people. To talk about the "inherent sovereignty" of a corporation—an artificial person—is to talk nonsense; and we ought to reform our habit of speech on that subject.

But what do gentlemen mean when they tell us that a State is sovereign? What does sovereignty mean, in its accepted use, but a political corporation having no superior? Is a State of this Union such a corporation? Let us test it by a few examples drawn from the Constitution. No State of this Union can make war or conclude a peace. Without the consent of Congress, it cannot raise or support an army or a navy. It cannot make a treaty with a foreign power, nor enter into any agreement or compact with another State. It cannot levy imposts or duties on imports or exports. It cannot coin money. It cannot regulate commerce.

It cannot authorize a single ship to go into commission anywhere on the high seas; if it should, that ship would be seized as a pirate or confiscated by the laws of the United States. A State cannot emit bills of credit. It can enact no law which makes anything but gold and silver a legal tender. It has no flag except the flag of the Union. And there are many other subjects on which the States are forbidden by the Constitution to legislate.

How much inherent sovereignty is left in a corporation which is thus shorn of all these great attributes of sovereignty?

But this is not all. The Supreme Court of the United States may declare null and void any law or any clause of the constitution of a State which happens to be in conflict with the Constitution and laws of the United States. Again, the States appear as plaintiffs and defendants before the Supreme Court of the United States. They may sue each other; and, until the eleventh amendment was adopted, a citizen might sue a State. These "sovereigns" may all be summoned before their common superior to be judged. And yet they are endowed with supreme inherent sovereignty!

Again, the government of a State may be absolutely abolished by Congress, in case it is not republican in form. And, finally, to cap the climax of this absurd pretension, every right possessed by one of these "sovereign" States, every inherent sovereign right except the single right to equal representation in the Senate, may be taken away, without its consent, by the vote of two-thirds of Congress and three-fourths of the States. But, in spite of all these disabilities, we hear them paraded as independent, sovereign States, the creators of the Union and the dictators of its powers. How inherently "sovereign" must be that State west of the Mississippi which the nation bought and paid for with the public money, and permitted to come into the Union a half century after



the Constitution was adopted! And yet we are told that the States are inherently sovereign, and created the National Government!

Read a long line of luminous decisions of the Supreme Court. Take the life of Chief Justice Marshall, that great judge, who found the Constitution paper and made it a power, who found it a skeleton and clothed it with flesh and blood. By his wisdom and genius he made it the potent and beneficent instrument for the government of a great nation. Everywhere he repelled the insidious and dangerous heresy of the sovereignty of the States in the sense in which it has been used in these debates.

Half a century ago this heresy threatened the stability of the nation. The eloquence of Webster and his compeers and the patriotism and high courage of Andrew Jackson resisted and for a time destroyed its power; but it continued to live as the evil genius, the incarnate devil, of America; and in 1861 it was the fatal phantom that lured eleven millions of our people into rebellion against their Government. Hundreds of thousands of those who took up arms against the Union stubbornly resisted all inducements to that fatal step until they were summoned by the authority of their States.

The dogma of State sovereignty in alliance with chattel slavery finally made its appeal to that court of last resort where the laws are silent and where kings and nations appear in arms for judgment. In that awful court of war two questions were tried. Shall slavery live? And is a State so sovereign that it may nullify the laws and destroy the Union? Those two questions were tried on the thousand battle-fields of the war; and if war ever "legislates," as a leading Democrat of Ohio once wisely affirmed, then our war legislated finally upon those subjects and determined beyond all controversy that slavery should never again live in this Republic, and that there is not sovereignty enough in any State to authorize its people either to destroy the Union or nullify its laws.

I am unwilling to believe that a considerable number of Americans will ever again push that doctrine to the same extreme; and yet, in these summer months of 1879, in the Congress of the reunited nation, we find the majority drifting fast and far in the wrong direction by reasserting much of that doctrine which the war ought to have settled forever. And what is more lamentable, such declarations as those which I read at the outset are finding their echoes in many portions of the country which was lately the theatre of war. No one can read the proceedings at certain recent celebrations without observing the growing determination to assert that the men who fought against the Union were not engaged in treasonable conspiracy against the nation, but that they did right to fight for their States, and that, in the long run the "lost cause" will be victorious. These indications are filling the people with anxiety and indignation; and they are beginning to inquire whether the war has really settled these great questions.

I remind gentlemen on the other side that we have not ourselves revived these issues. We had hoped they were settled beyond recall, and that peace and friendship might be fully restored to our people.

But the truth requires me to say that there is one indispensable ground of agreement on which alone we can stand together, and it is this: The war for the Union was right, everlastingly right, [applause:] and the war against the Union was wrong, forever wrong. However honest and sincere individuals may have been, the secession was none the less rebellion and treason. We defend the States in the exercise of their many and important rights, and we defend with equal zeal the rights of the United States. The rights and authority of both were received from the people—the only source of inherent power.

We insist not only that this is a nation, but that the power of the Government, within its own prescribed sphere, operates directly upon the States and upon all the people. We insist that our laws shall be construed by our own courts and enforced by our Executive. Any theory which is inconsistent with this doctrine we will resist to the end.

Applying these reflections to the subject of national elections embraced in this bill, I remind gentlemen that this is a national House of Representatives. The people of my congressional district have a right to know that a man elected in New York city is elected honestly and lawfully; for he joins in making laws for forty-five millions of people. Every citizen of the United States has an interest and a right in every election within the Republic where national representatives are chosen. We insist that these laws relating to our national elections shall be enforced, not nullified; shall remain on the statute-books, and

not be repealed; and that the just and legal supervision of these elections ought never again to be surrendered by the Government of the United States. By our consent it never shall be surrendered. [Applause.]

Now, Mr. Chairman, this bill is about to be launched upon its stormy passage. It goes not into unknown waters; for its fellows have been wrecked in the same sea. Its short, disastrous, and, I may add, ignoble voyage is likely to be straight to the bottom. [Applause.]

In reply to Mr. Hurd, same day, Mr. GARFIELD said;

MR. CHAIRMAN: Two points were made by my colleague from Ohio, [Mr. HURD,] to which I desire to call attention. To strengthen his position, that the United States has no voters, he has quoted, as other gentlemen have quoted, the case of *Minor vs. Happersett*, 21 Wallace, page 170.

The question before the court in that case was, whether a provision in the State constitution which confines the right of voting to male citizens of the United States is a violation of the fourteenth amendment of the Constitution. The court decided that it was not; and, in delivering his opinion the Chief Justice took occasion to say that "the United States has no voters in the States, of its own creation." Now, all the gentlemen on the other side who have quoted this decision, have left out the words "*of its own creation*," which makes a very essential difference. The Constitution of the United States declares who shall vote for members of Congress, and it adopts the great body of voters whose qualifications may be or have been prescribed by the laws of the States. The power of adoption is no less a great governmental power than the power of creation.

But the second point to which I wish to refer, and which has been made by several gentlemen, and very markedly by my colleague, [Mr. HURD,] is this: He says that the contemporaneous construction of that clause of the Constitution which provides that Congress may at any time make or alter the regulations in regard to the time, place and manner of holding elections, has determined that Congress can never exercise that right so long as the States make provisions for it. So long as the States do not neglect or refuse to act, or are not prevented by rebellion or war from acting, it was their exclusive right to control the subject. That is what my colleague says. That is what is said in the *Record* of June 3 by a distinguished member of the Senate.

Now, mark how plain a tale shall put that down.

On the 21st day of August, 1789, in the first House of Representatives that ever met, Mr. Burke, a member from South Carolina, offered the following as one of the amendments to the Constitution. I will read it:

Congress shall not alter, modify or interfere in times, places or manner of holding elections of Senators or Representatives, except when any State shall refuse or neglect, or be unable by invasion or rebellion, to make such elections

That was the very proposition which my colleague says is the meaning of the Constitution as it now stands. This amendment was offered in a House of Representatives nearly one-half of whose membership was made up of men who were in the convention that framed the Constitution. That amendment was debated; and I hold in my hand the brief record of the debate. Fisher Ames, of Massachusetts, approving of the clause as it now stands, said:

He thought this one of the most justifiable of all the powers of Congress. It was essential to a body representing the whole community, that they should have power to regulate their own elections, in order to secure a representation from every part, and prevent any improper regulations calculated to answer party purposes only. It is a solecism in politics to let others judge for them, and is a departure from the principles upon which the Constitution was founded.  
\* \* \* He thought no legislature was without the power to determine the mode of its own appointment; \* \* \* that such an amendment as was now proposed would alter the Constitution; it would vest the supreme authority in places where it was never contemplated.

Mr. Madison was willing to make every amendment that was required by the States, which did not tend to destroy the principles and efficacy of the Constitution; he conceived that the proposed amendment would have that tendency; he was therefore opposed to it.

Mr. Sherman observed that the convention was very unanimous in passing this clause; that it was an important provision, and if it was resigned, it would tend to subvert the Government.

Mr. Goodhue hoped the amendment never would obtain. \* \* \* Now, rather than this amendment should take effect, he would vote against all that had been agreed to. His greatest apprehensions were that the State governments would oppose and thwart the general one to such a degree as finally to overturn it. Now, to guard against this evil, he wished the Federal Government to possess every power necessary to its existence.



After a full debate, in which the doctrine of States rights was completely overwhelmed so far as this subject was concerned, the vote was taken, and 23 voted in favor of the amendment and 28 voted against it. It did not get even a majority, much less a two-thirds vote, in the House; and it never was called up in the Senate at all.

Now, who were the men that voted against it? Let me read some of their honored names: Fisher Ames, of Massachusetts; Charles Carroll, of Carrollton; Clymer, of Pennsylvania, whose distinguished descendant is a member of this House; Fitzsimmons, of Pennsylvania; Muhlenberg, of Pennsylvania, who was Speaker of the first House of Representatives; Lee and Madison, of Virginia; Trumbull and Sherman, of Connecticut—all those great names are recorded against the very construction of the Constitution which my colleague defends as the correct interpretation of the existing clause on that subject. That is all I desire to say.

# THEN AND NOW!! WHY?

(One year and fifteen days.)

(See Page 23.)

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## SPEECH

— BY —

# M. M. ESTEE

DELIVERED BEFORE THE

FARMERS AND BUSINESS MEN AT THE NORMAL SCHOOL  
HALL, AT SAN JOSE, AUGUST 15, 1895, ON

## The Relation of Gold and Silver to Practical Business.

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MR. PRESIDENT, LADIES AND GENTLEMEN:

The credit of this nation is the rock upon which it stands, and that credit can be sustained only by earning money, not by borrowing it. Credit is the result of confidence, and confidence comes with prosperity. That people which has the largest amount of good money in actual circulation has the most potential instrument of trade and commerce, and is the most prosperous. This is so because all values of property are fixed by money, and, when there is a great deal of money in circulation, property sells at a better price than when there is a little.

It being admitted that an abundance of good money is beneficial, and that there is a great deal of silver money in actual use, we next inquire—Is silver good money? Is it a necessary money? The answer is—*there is not gold money enough to carry on business or to sustain public and private credit and maintain the prices of products, and so we must have silver.* AMERICAN GOLD AND AMERICAN SILVER COIN ARE BOTH HONEST MONEY; both perform an important function in the monetary world; both are in universal use; both are the coin moneys of the Constitution. *They have both been the moneys of the past, and should be the moneys of the present and of the future.*

According to the report of the Director of the Mints made on Nov. 1, 1894, there were \$626,000,000 of gold in the United States, \$1,170,000,000 of all kinds of paper money in actual use in our country, and about \$625,000,000 of silver, all of which silver was coined according to law. *And if coined silver is not honest money, then the law which permitted it to be coined has led this government to practice a fraud upon the people. If it is not honest money, the Constitution of our country is not an honest Constitution, because it expressly says: "No State shall make anything but gold and silver a tender for debts." If it is not honest money, then every American citizen is daily practicing a fraud upon his fellow man, because he hourly receives and pays out silver money.*

#### THE GENERAL USE OF SILVER.

THE FACT IS, WE HAVE PUBLISHED TO THE WORLD A FINANCIAL LIE WHEN WE SAID SILVER WAS NOT HONEST MONEY. The best test of this is to go to the people themselves and see what money they use most. I assume this is a representative audience, composed both of gold people and silver people. And yet I am sure there is not one man in fifty, in this building, who has any money at all but has some silver money. Ask yourselves, is it good money? Is it honest money? Do you receive and pay it out as money?

If that is true with you, is it not true with all the American people? And if it is honest money here, is it not honest money all over our country? Yet Wall street will not let silver pass through the clearing house because they say it is not honest money. And yet they use as much silver as any other class of people. But they answer they only use it in small amounts. Does that signify? Is it any less a wrong to rob a man of one dollar than to rob him of a hundred dollars? *We submit silver is in more common use than gold, and for this reason, if for no other, it should not be demonetized.*

#### OPPONENTS OF SILVER.

Several times during the existence of this Republic, the money question has become a paramount issue before the country, and each time it has become so through the action of those who controlled money. This was conspicuously so under the administration of President Jackson, when the combined money power undertook to manipulate both the legislative and executive departments of the nation. And at each monetary crisis in our history Wall street has been a dangerous, because an interested and selfish adviser of the government. That great moneyed center still assumes to control our national finances, and still advises what to do. It makes money in this way. Indeed, during the past winter, when Mr. Carlisle borrowed a hundred millions of gold by selling U. S. Bonds to a combination of Wall street and English bankers, that syndicate made a clear profit of ten millions of dollars by the transaction, and they claim to have saved the country by doing it; *but every time they save the country, they enrich themselves.* Do we then wonder that these great money kings are for a single gold standard when they make such profits in handling gold? Under the circumstances would it not be natural for them to favor gold and oppose silver?

It is now an open secret that our great government made the humiliating arrangement with this syndicate, that it would protect the national treasury.

Imagine three banking houses protecting 70,000,000 of people and then imagine the sort of protection the people will thus get. For instance: The United States Government on the one hand, and Morgan & Company and Belmont & Company of New York, and Rothschilds of London, on the other agreed (I quote from the contract)—“That the syndicate would exert all its financial influence and would make all legitimate efforts to protect the treasury of the United States against the withdrawal of gold pending the performance of the contract.” The contract referred to was a contract to place \$100,000,000 of U. S. Bonds. It is not saying unkind or unfair things of these bankers to say that they would be superior to the rest of mankind if, in view of these facts, they were not single gold standard people. The government practically bribed them to favor gold, and we bribed them not to make a run on the national treasury “pending the sale of these bonds.” So these very people are now leading the single gold standard fight in the United States, and they are the men who say silver is not honest money. It should be remembered, also, that this syndicate previously drew a part of this same gold so furnished the government out of the national treasury, by surrendering currency held by it, and then sold it back at a premium in purchase of its bonds. It is true the contract provided one-half should be imported gold, but they brought back American gold. If our currency, when presented to the U. S. Treasury, was redeemed in GOLD AND SILVER (as the law prescribes), Wall street could not speculate in American gold. In a word, this syndicate created the necessity for the loan, and then made it on its own terms. This syndicate and other monetary institutions of the east have been the chief causes of depleting the gold balances in the national treasury, by taking our paper money to the treasury (which paper is redeemable in both gold and silver), AND DEMANDING AND RECEIVING GOLD ONLY. They ship this gold to Europe, and then raise the alarm that the gold reserve is below the limit, and thus create a panic. This never could be done if gold and silver were both



used as redemption money. By these means it has become the custom of these monetary princes to create an exaggerated demand for money and then supply that demand at an enormous profit. In following out this practice, the money speculators have made the only Black Fridays in the history of this country. They have gambled away national and private credit alike, and shamelessly attacked both at their pleasure. They claim to save the credit of the nation, when the fact is they have grown rich by destroying it. Under the cry of honest money, they have become the financial enemies of the American people. Wall street would be nothing but for the great country standing back of it. Thus, our national credit and our national honor are sustained only by the producing classes; it is the products of the farm and of the factory, and the labor of the American people, which has builded this great republic and sustained its credit, and which in peace and in war maintains its honor.

This is not an argument against banks or bankers, for both are useful and necessary; but it is an argument against those banks and bankers who are not engaged in legitimate banking; the fact is, in recent times, Wall street has become a danger signal to *every man who owes a dollar or who is not worth a million dollars*. It makes its money by speculation, and not by creation, and it prospers most when the people prosper least. It is for gold and against silver—not because that is right, but because it is to its interest. *We admit that gold is the money of the rich and silver is the money of the people; but both are necessary money metals—neither should be demonetized.*

#### POWER OF CONCENTRATED WEALTH.

We had bi-metalism in the United States for eighty years. During that time wonderful progress was made by the American people. In many respects it was the most eventful period in the world's history. It was during that epoch that Robert Fulton invented the steamboat; that Eli Whitney invented the cotton gin; that

Benjamin Franklin drew electricity from the clouds, and Morse and Field made it talk over and under the sea; Brush and Edison utilized it for light and power. Westinghouse invented the airbrake; Howe discovered that with the eye of a needle in the point he could sew by machinery, and McCormick solved the mystery of harvesting by horse and steam power. This same epoch in American history, however, imperceptibly lead up to the demonetization of silver and to combinations of corporate capital hitherto unknown in any age, and thus *great trusts and organized wealth have become a resistless power in the land.* It is an admitted fact that corporations now monopolize alike the luxuries, the comforts and the necessities of life. Single or combined corporate institutions practically supply our country with telephones, with electric lights, with sugar, with coal oil, with meat, often with bread, and always with transportation by land.

Money has thus become more and more powerful as wealth is more and more concentrated. The growth of corporations and mono-metallism have silently advanced together. *A single gold standard tends to concentrate money in the hands of the few.* The only hope is for the people to speak. Universal suffrage is claimed to be the remedy for these evils, but this even is not always a remedy. Says Mr. Justice Brown, of the Supreme Court of the United States, in the "Forum" for August, 1895:

"Universal suffrage which it was confidently supposed would inure to the benefit of the poor man is so skillfully manipulated as to rivet his chains and to secure to the rich a predominance in politics."

"In no country in the world" (says the same author) "is the influence of wealth more potent than in this, and in no period of our history has it been more powerful than now."

The power is with the people—will they use it?

Ninety-nine out of every hundred of our citizens are comparatively poor people. The problem of wise government is to promote the interests of the many who have small means rather than the interests of the one man in a hundred who is rich. It is admitted no

commercial country can be prosperous without rich men, nor can any country be prosperous unless opportunities are afforded the poor to get rich.

Says Mr. Justice Brown :

" If wealth will not respect the rules of common honesty in the use of its power, it will have no reason to expect moderation or discretion on the part of those who resist its encroachments."

Thus the responsibilities of wealth become greater as money is centralized. In this connection it should be said that a vast majority of the plain people, the producers and the workers of our country, are in favor of both gold and silver as money metals; they are wisely opposed to the centralization of the money power; and yet it is a painful fact, and should be emphasized, that a majority of the money-lenders, and nearly all the corporate trusts and combines in the Eastern States, are in favor of gold and opposed to silver money. *Gold and silver are both the money metals of the Constitution of the United States.* Silver has the law on its side; but law without the power to enforce it can accomplish but little. *The Act of Congress demonetizing silver was in violation of the organic law of the land*, contrary to the traditions of the past, and, as we believe, dangerous to and destructive of the best interests of the great masses of the American people, but that Act became a law and is now in full force, and the courts have not been called upon to pass upon its constitutionality.

#### BOTH GOLD AND SILVER NECESSARY.

Has prosperity been the result of this legislation? The last two years have been hard years for the American producer — the hardest within our recollection. When left alone we are the richest, the most independent and the happiest people on the earth. We produce more than any other like number of people on the globe, and still our prosperity depends more on what we sell our surplus products for than on the amount we produce. And we cannot maintain prices for our products unless we have an abundant

metallic money to facilitate the sale and marketing of commodities. Thus any decrease in the amount of our metallic money lowers prices and injures the producers.

Money being a symbol of wealth, and the most potential means of trade and commerce, must be good in quality and abundant in quantity. *Gold alone can never be abundant.* Gold and silver together can be abundant without being worthless or without causing undue inflation. Gold is the most valuable, and silver the least valuable. One is the money most hoarded, the other the money most used ; yet both are necessary money metals. Neither can be dispensed with. *This nation can no more destroy the money of the poor and prosper than it can destroy the poor themselves and prosper.* You can no more deprive the masses of the American people of the means of existence, and expect them to continue peaceful, than you can deprive them of liberty and expect them to be contented, law-abiding citizens.

All government is intended for the benefit of the governed, and that government is the best that does the greatest good to the greatest number.

American mines produce both metals, and more than one-third of all the gold and silver of the world. Add to this the fact that our territory is vast, our industries varied and our people scattered, and it will be seen that it is rational for us to make money of both metals. We need more money than any other people, and we need more metallic money because it is more stable and better known. It is the uses to which money is applied, and not the mere possession of it, that most benefits the people. We have more varied industries than European countries, and so we have more demand for money.

#### OUR WEALTH CONSISTS OF INNUMERABLE SMALL THINGS.

Our internal commerce, which is nine-tenths of all our commerce, consists of a vast number of small transactions, and, as silver is the money of small transactions, it thus becomes the money most in use



by the masses of our own people, and what most benefits the masses of the people most benefits the country. The small gains of the many are infinitely more useful to the country than the large gains of the few. This is not an argument against capital nor against capitalists. Capital is necessary, capitalists are necessary, and an industrious thrifty people is necessary to the growth and prosperity of a great country. The people are not opposed to good money, nor to banks or bankers — we need all of them — but we demand that no single interest shall be built up by destroying all others.

#### PRICE OF PRODUCTS AND VALUE OF SILVER.

Since the demonetization of silver in 1873, the prices of products and the value of silver bullion have paralleled each other. The following table illustrates this fact in a very marked degree:

YEARS.	BUSH. WHEAT.	LES. COTTON.	OZ. SILVER.
1872	\$1.40	18.0	\$1.32
1873	1.25	18.2	1.29
1874	1.25	15.0	1.27
1875	1.10	15.0	1.24
1876	1.20	12.9	1.15
1877	1.17	11.8	1.20
1878	1.30	11.1	1.15
1879	1.07	9.9	1.12
1880	1.25	11.5	1.14
1881	1.11	11.4	1.13
1882	1.19	10.8	1.13
1883	1.13	10.5	1.11
1884	1.07	10.6	1.01
1885	.86	9.9	1.06
1886	.87	9.5	.99
1887	.89	9.8	.97
1888	.85	9.9	.93
1889	.90	10.1	.93
1890	.83	10.0	1.04
1891	.85	8.7	.90
1892	.80	8.8	.86
1893	.63	7.0	.72



It will be noted from the above table, that in 1872 wheat was worth in Chicago \$1.40 a bushel, cotton 18 cents a pound and silver \$1.32 an ounce. In 1893 wheat was worth 63 cents a bushel, cotton 7 cents a pound and silver 72 cents an ounce.

According to the Report of the Director of the Mint, the amount of gold and silver and paper money in circulation in the United States on the 1st of November, 1894, was as follows:

Gold.....	\$ 626,632,078
Silver.....	625,335,551
Paper money.....	1,170,190,080

Gold, per capita, \$9.09.

Silver, per capita, \$9.08.

Under the law all paper money is redeemable in *gold and silver*; and so long as that is the law, silver is of necessity a redemption money.

**ONE OF THE PERILS TO AMERICAN FINANCES IS THE FACT  
THAT WE OWE TOO MUCH MONEY ABROAD.**

In the beginning we commenced the dangerous practice of borrowing from abroad. We had limitless undeveloped resources and but little actual property. Before us was a vast and unexplored continent; behind was the trackless ocean which separated us from the old world. The wealth of the new land was boundless, and yet we were poor because we had not developed that wealth. And so we commenced running in debt. This seemed to be wise and necessary. We were accomplishing wonders, but we were doing it at the expense of generations to follow us. We knew then, as we know now, that a well governed people must be prosperous, and that our finances, like our commerce, must be made to fit our situation. We are a continental nation—a world within ourselves. Our conditions differ from those of other people. We have always been making towns and cities, railroads and other public highways, school houses and churches, building factories and cultivating the soil. We are creators, not imitators. We

are constructing new things, instead of using old things which are already made, and, in this process of building, we have become a debtor nation. We owe vast sums of money to the older and wealthier portions of our own country and to foreign nations. *We have in the past been paying these debts and the interest thereon from our surplus products; but recently we have had no surplus to pay our debts with, because our products did not pay for their production, so we have had to pay in money; and the more money we have sent away for these purposes, the harder times have become at home. And thus, while we needed more money than at any other period in our history, the gold people wanted us to have less.*

*The gold people seem to admit that we must have silver, but they say it is impossible unless we have an*

#### INTERNATIONAL MONEY SYSTEM

which would be as difficult to secure as an international form of government or an international language.

*It has always been the custom of each nation to coin its own money and regulate the value thereof, and each nation will continue to do so, for coin is money only within the country which makes it.* The material of which it is made sells everywhere as a commodity, and, like all other commodities, its value is fixed by supply and demand. The stamp of the government which makes the coin, does not enhance or depreciate the value of the coin itself outside of the country so stamping it. Gold and silver are, therefore, commodities. Wheat is a commodity. Can a congress of nations permanently fix the value of wheat? It is as likely to do one as to do the other.

Under our laws at this time, you can take gold to our mints and have it coined into money, but you can't take silver there and have it coined into money, and yet the greatest gold man in the land pays out silver many times when he pays gold once. And that same gold man says it is not honest money, and he will pay this same bad money to the man who

blacks his boots or drives his carriage. This he calls "honest dealing."

The United States Constitution contains broad and far-reaching provisions prescribing the internal policy which should prevail in the American Republic, including that of finances.

The coining of American money, with new denominations of value and new names given to each coin, was one of the first steps taken by this nation to show its national independence. This system of coinage continued until 1873, and it cannot be changed unless we change the Constitution.

**GOLD AND SILVER ARE THE CONSTITUTIONAL MONEYS OF  
OUR COUNTRY.**

The Constitution of the United States prescribes that :

"The Congress shall have power to coin money and regulate the value thereof ;" and that " no State shall make anything but gold and silver a tender in payment of debts."

Under this plain constitutional provision a State can make both gold and silver a legal tender. But it cannot make one a legal tender and prohibit the use of the other. Both metals were selected by the builders of our government as the necessary money metals of the nation.

Congress has no powers except such as are conferred upon it. The States retain all the powers not expressly taken from them. The general government coins money, and it coins the money that the Constitution prescribes, but the States are authorized to make gold and silver only a legal tender in payment of debts. In a word, the States can indicate the purposes for which the money so coined by Congress can be used, but Congress cannot, by refusing to coin gold and silver, prevent the States from establishing a legal tender which the Constitution directs.

When Congress is given power to coin money it is only those kinds of money which the same instrument says shall be a legal tender in payment of debts. It

is true the Supreme Court has decided that Congress has the power to make paper money a legal tender, but Congress has not the power to demonetize any money which the States may also declare a legal tender; *nor is there anything in the Constitution which directly or indirectly gives to Congress the authority to demonetize any constitutional coin.* It may coin money, it may coin gold and silver, but nowhere is Congress given the power to destroy gold and silver as money.

*Silver is, therefore, one of the money metals of the Constitution, and yet people who would destroy it as money declare that we who lean upon the Constitution of our country as the "anchor of our hope," are attacking the rights of property by making a constitutional money our money. In fact, when these people are destroying everybody's property but their own, they claim that those who oppose them are attacking the rights of property.*

The strongest argument made by the gold people is, that silver is so much cheaper as a metal than gold, and the price of silver has so deteriorated in value, that it has become a commodity, and has ceased to be a money metal.

#### SILVER A COMMODITY.

If we admit this, it means that because silver is cheap as a metal, we should do everything we could to make it cheaper. Treating American silver as a product of American mines, and not as money metal, the gold argument is unjust. Imagine a combination of people who would attempt to destroy one of the great productions of our country by lowering its value so that it could not be produced. Take pig iron, coal, copper, or take any of the products of the farm—wheat or corn—and the fallacy of the position assumed by those who believe in gold only as a money metal is most readily seen; *because it must be remembered we must have silver money in some form. We cannot carry on the business of the country on gold alone.*

Think of the dealer in wheat attempting to drive out of the market all the corn because it is cheaper, or the



dealer in coal attempting to destroy the value of all the iron because it is dearer.

Silver is a commodity, except at home and when coined into money. Gold is equally a commodity, except at home and when coined into money. Iron and coal are commodities. It is only the coined money (and in the country which coins it), which is not a commodity. Gold and silver bullion is no different from wheat, except that it is of greater value. It sells for what it will bring in the market, and not for what it is stamped, as money, when sold beyond the country that makes money of it.

#### NO FOREIGN BALANCES.

Being a debtor nation, we have no foreign balances in our favor, and when our exports do not largely exceed our imports, money leaves the country to meet the demands of our foreign creditors. *In such an emergency, we need two money metals because we cannot retain our gold unless we are prosperous, and we cannot be prosperous unless we have some money for home use which we can keep at home, and we will have no redemption money when our gold leaves us, unless we have the free coinage of silver.*

In times of prosperity we receive from abroad more money than we pay out; in times of business depression, we pay abroad more money than we receive from there. This is so because our foreign creditors become alarmed when we cease to pay; as we increase the amount and value of our imported luxuries, we have to pay for them in money which goes out of the country, and *when we join our foreign creditors in undervaluing one of our money metals, we destroy our ability to pay, and thus lower our credit.* Under present conditions gold goes out of the country in the same ratio as the excess of imports comes into it, and so we will have no metallic or redemption money left for home purposes. *To add to our misfortunes, the gold people are slandering one of the money metals—silver—by saying it is not honest money. It would be no worse to say the American people are not honest*



*people because every man uses more or less silver—pays it out and receives it as money.*

The creditor is trying to increase the value of money by making it scarce, the debtor to increase the value of commodities by making money abundant. One is defending our industries and the great mass of plain people who have their fortunes yet to make; the other is trying to double the fortunes already made by enhancing the value of money due them by the producers and workers of the country.

*Anomalous as it may seem, yet it is true that a silver dollar in the United States, a silver shilling in England, or a silver five franc piece in France (although silver is not recognized in either country as redemption money) will buy just as much as so much gold money. England has more than a hundred millions of dollars of subsidiary silver money in actual circulation; France has more than five hundred millions; the United States fully six hundred and twenty-five millions; yet by law, in all three of these countries, silver is not a redemption money; it is demonetized, and the standard of value is fixed by gold. In other words silver is good enough to buy a loaf of bread, to pay the farmer for a pound of butter or a bushel of wheat, or to pay the laborer for a day's work; but it ceases to be sound money to pay our debts. This is not honest.*

**SILVER IS SOUND MONEY AMONG THE PEOPLE WHO WORK;**

but it is unsound money among the speculators.

*Remember, the ability to pay our debts depends on the price of our commodities. It takes just as much work to raise a pound of fruit or a bushel of corn, to raise a sheep or a steer to-day as it ever did; but none of these products of the farm will pay as much debt to-day as they would pay before silver was demonetized.*

It thus seems clear that the workers and producers are made to suffer, while the speculators are benefited by the demonetization of silver.

This money contest is, therefore, a war between the uses and value of money and the prices of products.

Every producer knows he is not making money; every farmer and laborer knows times are hard, that money is scarce and difficult to obtain, and that prices are low. Every man who is in debt (and most men are) knows how difficult it is to make both ends meet. Every honest man wants to pay his debts, and so he is looking for a remedy for these admitted evils, that he may be able to do so; but the creditor class seems unwilling to assist him in this effort.

To fully appreciate the effect of the demonetization of one of the money metals of our country, it must be borne in mind that

#### THE PRESENT INDEBTEDNESS OF THE PEOPLE OF THE UNITED STATES,

of every kind, is about eighteen billions of dollars. This includes the national, State and municipal debts of two billions, the bonded indebtedness of the railways and other corporations, exceeding five billions, the mortgage debt on private lands, amounting to five billions nine hundred millions, and the bank indebtedness of three billions one hundred and fifty-eight millions of dollars. The balance is miscellaneous. Of this vast indebtedness, more than two billions three hundred millions of dollars is held in Great Britain, Germany and France, the principal and interest of which is wholly payable in gold; and yet it can never be paid in gold because we have not gold enough. *It must be paid, if paid at all, in our excess of exports over our imports; and therefore it cannot be paid unless our people are prosperous, because we can have no excess of exports unless we are prosperous. Fair prices for products and an abundant circulation of metallic money is necessary to secure prosperity.*

The indebtedness of our country is increasing, if not in amount, in the increased purchasing power of money, while the means for paying our debts is decreasing, because the products of the farm and of the factory bring less and less, as the purchasing power of money becomes greater.

In a Republic like ours the great danger to free institutions is the

#### UNDUE EXALTATION OF WEALTH

and corrupting influence of the combined money power.

It is true that in our country there are no class distinctions by reason of birth, but there are distinctions among our people even more dangerous, namely: those distinctions which arise between the rich and the poor, between wealth and poverty. This cannot be stopped, but it can be ameliorated by giving to every man an equal chance in the struggle of life. The single dollar and the million dollars should have the same relative value and be equally protected by the law.

This is a commercial age, and the people of the world are devoted to money making. The older civilizations have the accumulations of ages to live from. They are intuitively in favor of increasing the value of what they have to sell—money. But the people of the United States are differently situated. We have nothing completed. We are not the mere users of the accumulations of the past. We are creating wealth by borrowing money to use in its creation, and are thus in debt. The question is, how can we best pay our debts?

#### DEPRECIATION OF VALUES.

The values of all property in the United States have within two years depreciated fully \$8,000,000,000. This would bankrupt any other nation, and it has nearly bankrupted this. What is the remedy for this remarkable depreciation in value? Continuing the gold standard is but an aggravation of the disease, for we cannot pay in gold, even if the single gold standard were continued. There is not gold enough. We must have some other money. Silver is the next in value. WE CAN MAKE NO MISTAKE IN ADDING SILVER TO OUR METAL MONEY AND COINING IT AS FREELY AS WE DO GOLD. England, with all her commercial and financial advantages, cannot pay in gold. She pretends to do

this. Her standards of value are in gold, but she pays in checks, in balances, in anything but gold.

It is axiomatic that when products are cheap the debtor cannot pay, business becomes depressed, and both debtor and creditor suffer; and under those conditions we need more money and cheaper money, and more products and dearer products, rather than dearer money and cheaper products.

#### THE PRODUCERS NEVER HAVE A SURPLUS OF MONEY,

but they have something to sell which in ordinary times will bring money. When there is a fair price for products the producers increase their output; the demand for labor and the prices of labor increase, because the opportunities for work are enhanced. Money thus becomes abundant, and prosperity is inevitable. It is the opportunity to work which is all important to the laborer. Steady employment means remunerative employment. It is admitted that every man must earn money before he can get it. The trouble now is, he cannot get it after he earns it. The people who most need favorable legislation on the money question *are those who have their money to earn, and not those who have money to loan.* They are as a thousand to one compared with those who have money in bank.

Is it wise or honest for a debtor people to assist in demonetizing one-half of all the money in the world and thus decrease the opportunities for those who have no money to honestly earn some? Does any sane man believe that this would be advantageous to the industrial energies of our country? When silver was demonetized in 1873, it was at par. The demonetization of silver, when done, was not demanded by the people, nor is it demanded by them now. *If all our mints coined silver and nothing else, they could not turn out one dollar a year to each American citizen.* Would a dollar annually, for each of the whole American people, constitute undue inflation?

Money, like property, is parted with for a consideration, and that consideration is things. The cheaper



the things and the dearer the money, the more things the money will buy. And as only a few people have money and the great mass have things, the majority of the people are in favor of a good price for things and a reasonable value for money. No one wants inflation or contraction. Both are dangerous to the prosperity of a country, but *inflation never did result from too much coined money.*

Money is not wanted for itself alone, but for its uses, and if gold is not used by the people, it is of no value to them except as a symbol of wealth. Money is only a means to an end, but that means should not be exalted at the expense of the end to be attained. Its chief use is to promote business and commercial relations among the people by a convenient transfer of values. Nowhere, except in the west, is gold used for that purpose. In the Eastern States gold is used solely for speculative purposes, and to stand behind the country's credit. Money can be either too valuable for use, or it can be of too little value and too abundant for use. Either extreme is dangerous to the business interests of the country, and either imperils its credit.

The six hundred millions of dollars of gold in the United States is of no earthly account as money used in the commercial and business transactions of the people of this republic. It is only useful to make a standard of values, and it is an unfair and a false standard. With that limited amount of gold money, the standard of values of things can be made to fluctuate at the will of a few rich speculators; and thus there will be an absolute want of stability in prices. Indeed, that has been the result since we had a single gold standard. *We never had hard times until the gold speculators got control of the money market.*

To illustrate: If we should destroy all the greenbacks, all the silver certificates, melt up all the silver money, and leave nothing but gold in circulation as money, our country would be bankrupt. We could not carry on business an hour under those conditions. Then what is the result of our present financial system? We have one kind of money for use, to fix



values and to pay our indebtedness, and another kind of money for use at home among our own people to pay for products. We use depreciated money to pay for our home products and appreciated money to pay our old debts. We imitate English financial customs, without having the English accumulations of five centuries to stand behind us.

*The business people of the United States have often suffered for not having enough coined money—gold and silver—but we challenge the contradiction of the statement that there never has been a time in the history of this country when we have had too much gold and silver.*

We are just now feeling the full weight of the depression caused by the demonetization of silver in 1873. This is so because, since that time and up to three years ago, our exports generally exceeded our imports and our money stayed at home; and again, in a great country like ours, it takes time to destroy it financially. The struggle has been long and painful, but the end is certain and inevitable.

#### THE UNIT OF AMERICAN COINED MONEY IS THE DOLLAR.

*It has always been the dollar—not five dollars, nor ten dollars, nor even twenty dollars—but one dollar, and that dollar of coined money has always been silver.* It is true that, by the Act of Congress of 1873, the law of 1792 making the silver dollar our unit of value was repealed, but there has been no other coin to take its place; there is no other coin but silver that can take its place. In theory, the gold dollar fixes the unit of value; in practice, it is silver or paper. Since 1850 the world has produced in value about the same amount of gold and silver, and so it was not the excess of silver over gold that caused its demonetization in 1873. It is a fact, also, that in February, 1873, when silver was demonetized, it was at par as compared with gold. It will thus be observed that inflation exercised no influence in the passing of that act of demonetization. It was done purely and simply to decrease the amount of metal

money and thus increase the value of what remained; thereby indirectly increasing the amount of our debts without increasing the opportunities to pay them. It was done to benefit the creditor class and to injure the debtor class, and it has accomplished that purpose, whether intended or not.

The gold men argue that a given amount of gold money will buy as many things now as in 1873, because money has increased in value and things have proportionately decreased in value. But the answer is: this has caused hard times, and hard times are not best for the people. Stagnation in business follows the lowering of prices and taxation, and our debts do not shrink in amount as times become hard and money scarce. It takes just as much labor to work our farms now as when prices were good and we get one-half the amount for it. Mere theories cannot sustain a great industrial people. It is labor and the products of labor which enrich a country and make people happy and contented. Labor and its remunerative results come with good times and good times come with good prices. A falling market always produces hard times to those who are in debt and to those who have to work for their bread. To such people inflation is better than contraction. The only safety is in making laws for *the whole people*. If there is but one-half the money in circulation there ought to be, property is worth just one-half of what it ought to be, because the purchasing power of our money is doubled. No one gets money for nothing, but he gets more money for something when there is much money in circulation than when there is little. Non-circulating money is not useful as money.

#### GOLD LEAVING.

*It is absurd to say that the free coinage of silver will drive gold out of the country.* Gold is going out of the country now faster than we can borrow it, and the free coinage of silver will not facilitate its departure. On the contrary, it will cause it to remain here. Because, when we have the free coinage of silver and gold, our metal money will be largely increased, our

domestic industries will be improved, the prices of products will be enhanced, and the prices of labor will increase, our exports will exceed our imports, and better times will be inevitable. *Money will flow into the country instead of flowing out of it*, because confidence will be re-established, and confidence is the pulse of prosperity.

The present financial situation demands calm and deliberate consideration. We are not now inquiring how the Act of Congress of 1873 demonetizing silver was passed, or who was to blame for its passage, or whether it was done openly or secretly. The fact that it was passed is bad enough. We are seeking remedies for existing evils, and not for reasons why they were imposed upon us.

We are conscious of the money power in moulding public opinion. We know capital is always organized. We know that to get money honestly is the universal desire of good men; to get it dishonestly is the practice of bad men. But the great battle of life is to get money. It is the inspiration of every business enterprise. Money stands at the gates of commerce and opens or shuts them at its will. It employs the labor which fires every furnace, turns every wheel and cultivates every farm. It is the desire for money that makes man delve into the depths of the earth and bring forth the hidden treasures of God's creative work. It is that same desire which fathoms the ocean and places over its silent bottom the metallic messengers of thought. It inspires invention, and thus utilizes the unknown powers of nature; it gives to mechanics broader conceptions, to genius a defter touch. It dwells in the cells of every man's brain. It is the hope of the young, the pride of the old, and the ambition of all. The seductive influence of money sometimes makes justice blind and causes statesmanship to pause in its presence. For it, nation makes war upon nation, and the world has thus become a vast camp of armed men. Without money civilization is impossible, learning goes daft and refinement is lost in barbarism.

For these reasons, the man who has much money

wants more. The man who has none wants some. Every human being is jostling every other human being in the struggle for money. Is it then a marvel that the few who have money want to make it more valuable and thus injure the many who have none? This is human nature, but it is the wrong side of human nature. **THE AMERICAN PEOPLE ARE JUST, AND WHEN AROUSED WILL BE LOYAL TO TRUTH BY MAKING THE MONEY OF OUR CONSTITUTION THE MONEY OF THE PEOPLE AND THIS CAN BE ACCOMPLISHED ONLY BY THE FREE AND UNLIMITED COINAGE OF BOTH GOLD AND SILVER.**

"Great trusts and organized wealth have become a resistless power in the land." [Estee, page 6.]

"A simple gold standard tends to concentrate money in the hands of the few." [Estee, page 6.]

M. M. Estee in his address in support of McKinley at the Auditorium, S. F., Aug. 29, 1896, said:

"The strength of a nation in peace and in war is no longer measured by the number of its soldiers. \* \* \*

**"Wealth Is King in Peace and War."**

NEW YORK, May 24, 1896. — Henry Clewes, in his weekly *Financia Review*, says:

"Wall Street has learned to believe that there are greater potencies than party platforms, than legislative subserviency to popular ignorance, than the madness of a partisan infatuation. There are situations and events which can instantly coerce and convert the most reckless legislators into the willing servants of a conservative sentiment that represents the real interests and safety of the nation. It will not be necessary to wait for any after effects of silver legislation to remedy its mischiefs, although that would be a perfectly safe course. The near prospect of the authorization of free coinage—a counting of heads showing a certainty of a two-thirds vote in the house and senate for 16 to 1—would evoke in Wall street the kind of conditions that no congress has ever yet dared to disregard, and the cause of free coinage would be overthrown at the moment when its success seemed most certain. It is this reserved power on which Wall street is now reposing."

Every American citizen who believes in free government should read these utterances and ponder well their significance. In brief, they mean that even though two-thirds of the American people should be in favor of restoring silver and there should be such a majority in congress so pledged, still "WEALTH, KING IN PEACE AND WAR" would prevent it by evoking conditions that no congress has ever dared to disregard.

It is in effect a declaration that Wall street is more powerful than the American people, and that no policy which that great money center opposes shall be enacted into law.

Men who use such language are not loyal citizens and are not fit to be citizens at all.

**Ponder well! Hesitate and you are lost!**

[See page 24.]

**THEN  
AND  
NOW!  
WHY?**



## CALIFORNIA REPUBLICAN SHUFFLE.

In May last the California Republican convention declared for free and unlimited silver coinage at 16 to 1. Now they propose to carry out the Rothschild's-John Sherman policy through Mark Hanna's man, McKinley. They propose to vote for a goldbug President who would have absolute control of the question of coinage. This absurd position of the Republicans of California shows two things:

First, that they think the people are fools and do not understand that a vote for McKinley is a vote for the gold standard ;

Second, that the silver sentiment is so strong in California that they are forced to pretend to be for silver.

The time is upon us if we save the civilization of this nation, that old party lines must be obliterated and the people divide off, Tories on the one side and Patriots on the other.

The question at issue is shall we allow the nation to be thoroughly Europeanized, or shall we have a republic in fact. Shall the people submit to become the slaves of a moneyed aristocracy, or shall we restore the freedom bequeathed to us by Washington and his co-patriots, and have administrations possessed of more patriotism and less selfishness and greed.

The enemies that true silver men have got to fight, *and the only enemies are the* TRAITORS WHO TALK FOR SILVER *and* VOTE FOR GOLD PRESIDENTS, and we call upon every patriotic citizen of the United States to MARK THEM WELL. They are numerous and they are in high places. They have deceived the people for twenty years, and *they expect to do it until the people are* SLAVES.

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Issued by Order of the

**CALIFORNIA SILVER CAMPAIGN COMMITTEE.**

Baldwin Hotel, San Francisco, Cal.,

Aug. 29, 1896



# SPEECH

— BY —

## M. M. ESTEE

DELIVERED BEFORE THE

FARMERS AND BUSINESS MEN AT THE NORMAL SCHOOL HALL,  
AT SAN JOSE, AUGUST 15, 1895, ON

### The Relation of Gold and Silver to Practical Business.

MR. PRESIDENT, LADIES AND GENTLEMEN:

The credit of this nation is the rock upon which it stands, and that credit can be sustained only by earning money, not by borrowing it. Credit is the result of confidence, and confidence comes with prosperity. That people which has the largest amount of good money in actual circulation has the most potential instrument of trade and commerce, and is the most prosperous. This is so because all values of property are fixed by money, and, when there is a great deal of money in circulation, property sells at a better price than when there is a little.

It being admitted that an abundance of good money is beneficial, and that there is a great deal of silver money in actual use, we next inquire—Is silver good money? Is it a necessary money? The answer is—there is not gold money enough to carry on business or to sustain public and private credit and maintain the prices of products, and so we must have silver. American gold and American silver coin are both honest money; both perform an important function in the monetary world; both are in universal use; both are the coin moneys of the Constitution. They have both been the moneys of the past, and should be the moneys of the present and of the future.

According to the report of the Director of the Mints made on November 1, 1894, there were \$626,000,000 of gold in the United States, \$1,170,000,000 of all kinds of paper money in actual use in our country, and about \$625,000,000 of silver, all of which silver was coined according to law. And if coined silver is not honest money, then the law which permitted it to be coined has led this government to practice a fraud upon the people. If it is not honest money, the Constitution of our country is not an honest Constitution, because it expressly says: "No State shall make anything but gold and silver a tender for debts." If it is not honest money, then every American citizen is daily practicing a fraud upon his fellow man, because he hourly receives and pays out silver money.

#### THE GENERAL USE OF SILVER.

The fact is, we have published to the world a financial lie when we said silver was not honest money. The best test of this is to go to the people themselves and see what money they use most. I assume this is a representative audience, composed both of gold people and silver people. And yet I am sure there is not one man in fifty, in this building, who has any money at all but has some silver money. Ask yourselves, is it good money? Is it honest money? Do you receive and pay it out as money?

If that is true with you, is it not true with all the Ameri-

can people? And if it is honest money here, is it not honest money all over our country? Yet Wall street will not let silver pass through the clearing house because they say it is not honest money. And yet they use as much silver as any other class of people. But they answer they only use it in small amounts. Does that signify? Is it any less a wrong to rob a man of one dollar than to rob him of a hundred dollars? We submit silver is in more common use than gold, and for this reason, if for no other, it should not be demonetized.

#### OPPONENTS OF SILVER.

Several times during the existence of this Republic, the money question has become a paramount issue before the country, and each time it has become so through the action of those who controlled money. This was conspicuously so under the administration of President Jackson, when the combined money power undertook to manipulate both the legislative and executive departments of the nation. And at each monetary crisis in our history Wall street has been a dangerous, because an interested and selfish, adviser of the government. That great moneyed center still assumes to control our national finances, and still advises what to do. It makes money in this way. Indeed, during the past winter, when Mr. Carlisle borrowed a hundred millions of gold by selling U. S. Bonds to a combination of Wall street and English bankers, that syndicate made a clear profit of ten millions of dollars by the transaction, and they claim to have saved the country by doing it; but every time they save the country, they enrich themselves. Do we then wonder that these great money kings are for a single gold standard when they make such profits in handling gold? Under the circumstances would it not be natural for them to favor gold and oppose silver?

It is now an open secret that our great government made the humiliating arrangement with this syndicate, that it would protect the national treasury. Imagine three banking houses protecting 70,000,000 of people, and then imagine

the sort of protection the people will thus get. For instance: The United States Government on the one hand, and Morgan & Co. and Belmont & Co. of New York, and Rothschilds of London on the other agreed (I quote from the contract)—“That the syndicate would exert all its financial influence and would make all legitimate efforts to protect the treasury of the United States against the withdrawal of gold pending the performance of the contract.” The contract referred to was a contract to place \$100,000,000 of U. S. Bonds. It is not saying unkind or unfair things of these bankers to say that they would be superior to the rest of mankind if, in view of these facts, they were not single gold standard people. The government practically bribed them to favor gold, and we bribed them not to make a run on the national treasury “pending the sale of these bonds.” So these very people are now leading the single gold standard fight in the United States, and they are the men who say silver is not honest money. It should be remembered, also, that this syndicate previously drew a part of this same gold so furnished the government out of the national treasury, by surrendering currency held by it, and then sold it back at a premium in purchase of its bonds. It is true the contract provided one-half should be imported gold, but they brought back American gold. If our currency, when presented to the U. S. Treasury, was redeemed in GOLD AND SILVER (as the law prescribes), Wall street could not speculate in American gold. In a word, this syndicate created the necessity for the loan, and then made it on its own terms. This syndicate and other monetary institutions of the east have been the chief causes of depleting the gold balances in the national treasury, by taking our paper money to the treasury (which paper is redeemable in both gold and silver) AND DEMANDING AND RECEIVING GOLD ONLY. They ship this gold to Europe, and then raise the alarm that the gold reserve is below the limit, and thus create a panic. This never could be done if gold and silver were both used as redemption money. By these means it has become the custom of these monetary princes to create an exaggerated

demand for money and then supply that demand at an enormous profit. In following out this practice, the money speculators have made the only Black Fridays in the history of this country. They have gambled away national and private credit alike, and shamelessly attacked both at their pleasure. They claim to save the credit of the nation, when the fact is they have grown rich by destroying it. Under the cry of honest money, they have become the financial enemies of the American people. Wall street would be nothing but for the great country standing back of it. Thus, our national credit and our national honor are sustained only by the producing classes; it is the products of the farm and of the factory, and the labor of the American people, which has builded this great republic and sustained its credit, and which in peace and in war maintains its honor.

This is not an argument against banks or bankers, for both are useful and necessary; but it is an argument against those banks and bankers who are not engaged in legitimate banking; the fact is, in recent times, Wall street has become a danger signal *to every man who owes a dollar or who is not worth a million dollars*. It makes its money by speculation, and not by creation, and it prospers most when the people prosper least. It is for gold and against silver—not because that is right, but because it is to its interest. We admit that gold is the money of the rich, and silver is the money of the people; but both are necessary money metals—neither should be demonetized.

#### POWER OF CONCENTRATED WEALTH.

We had bi-metalism in the United States for eighty years. During that time wonderful progress was made by the American people. In many respects it was the most eventful period in the world's history. It was during that epoch that Robert Fulton invented the steamboat; that Eli Whitney invented the cotton gin; that Benjamin Franklin drew electricity from the clouds, and Morse and Field made it talk over and under the sea. Brush and Edison utilized it for light and power; Westinghouse invented the airbrake;



Howe discovered that with the eye of a needle in the point he could sew by machinery, and McCormick solved the mystery of harvesting by horse and steam power. This same epoch in American history, however, imperceptibly lead up to the demonetization of silver and to combinations of corporate capital hitherto unknown in any age, and thus *great trusts and organized wealth have become a resistless power in the land.* It is an admitted fact that corporations now monopolize alike the luxuries, the comfort and the necessities of life. Single or combined corporate institutions practically supply our country with telephones, with electric lights, with sugar, with coal oil, with meat, often with bread, and always with transportation by land.

Money has thus become more and more powerful as wealth is more and more concentrated. The growth of corporations and mono-metalism have silently advanced together. A single gold standard tends to concentrate money in the hands of the few. The only hope is for the people to speak. Universal suffrage is claimed to be a remedy for these evils, but this even is not always a remedy. Says Mr. Justice Brown, of the Supreme Court of the United States, in the "Forum" for August, 1895 :

"Universal suffrage which it was confidently supposed would enure to the benefit of the poor man is so skillfully manipulated as to rivet his chains and to secure to the rich a predominance in politics."

"In no country in the world" (says the same author) "is the influence of wealth more potent than in this, and in no period of our history has it been more powerful than now."

The power is with the people—will they use it?

Ninety-nine out of every hundred of our citizens are comparatively poor people. The problem of wise government is to promote the interests of the many who have small means rather than the interests of the one man in a hundred who is rich. It is admitted no commercial country can be prosperous without rich men, nor can any country be prosperous unless opportunities are afforded the poor to get rich.

Says Mr. Justice Brown:

“If wealth will not respect the rules of common honesty in the use of its power, it will have no reason to expect moderation or discretion on the part of those who resist its encroachments.”

Thus the responsibilities of wealth become greater as money is centralized. In this connection it should be said that a vast majority of the plain people, the producers and the workers of our country, are in favor of both gold and silver as money metals; they are wisely opposed to the centralization of the money power; and yet it is a painful fact, and should be emphasized, that a majority of the money-lenders, and nearly all the corporate trusts and combines in the Eastern States, are in favor of gold and opposed to silver money. Gold and silver are both the money metals of the Constitution of the United States. Silver has the law on its side; but law without the power to enforce it can accomplish but little. The Act of Congress demonetizing silver was in violation of the organic law of the land, contrary to the traditions of the past, and, as we believe, dangerous to and destructive of the best interests of the great masses of the American people, but that Act became a law and is now in full force, and the courts have not been called upon to pass upon its constitutionality.

#### BOTH GOLD AND SILVER NECESSARY.

Has prosperity been the result of this legislation? The last two years have been hard years for the American producer—the hardest within our recollection. When left alone we are the richest, the most independent and the happiest people on the earth. We produce more than any other like number of people on the globe, and still our prosperity depends more on what we sell our surplus products for than on the amount we produce. And we cannot maintain prices for our products unless we have an abundant metallic money to facilitate the sale and marketing of commodities. Thus any decrease in the amount of our metallic money lowers prices and injures the producers.

Money being a symbol of wealth, and the most potential means of trade and commerce, must be good in quality and abundant in quantity. Gold alone can never be abundant. Gold and silver together can be abundant without being worthless or without causing undue inflation. Gold is the most valuable, and silver the least valuable. One is the money most hoarded, the other the money most used; yet both are necessary money metals. Neither can be dispensed with. This nation can no more destroy the money of the poor and prosper than it can destroy the poor themselves and prosper. You can no more deprive the masses of the American people of the means of existence, and expect them to continue peaceful, than you can deprive them of liberty and expect them to be contented, law-abiding citizens.

All government is intended for the benefit of the governed, and that government is the best that does the greatest good to the greatest number.

American mines produce both metals, and more than one third of all the gold and silver of the world. Add to this the fact that our territory is vast, our industries varied and our people scattered, and it will be seen that it is rational for us to make money of both metals. We need more money than any other people, and we need more metallic money because it is more stable and better known. It is the uses to which money is applied, and not the mere possession of it, that most benefits the people. We have more varied industries than European countries, and so we have more demand for money.

#### OUR WEALTH CONSISTS OF INNUMERABLE SMALL THINGS.

Our internal commerce, which is nine-tenths of all our commerce, consists of a vast number of small transactions, and, as silver is the money of small transactions, it thus becomes the money most in use by the masses of our own people, and what most benefits the masses of the people most benefits the country. The small gains of the many are infinitely more useful to the country than the large gains of the few. This is not an argument against capital nor against

capitalists. Capital is necessary, capitalists are necessary, and an industrious thrifty people is necessary to the growth and prosperity of a great country. The people are not opposed to good money, nor to banks or bankers—we need all of them—but we demand that no single interest shall be built up by destroying all others.

#### PRICE OF PRODUCTS AND VALUE OF SILVER.

Since the demonetization of silver in 1873, the prices of products and the value of silver bullion have paralleled each other. The following table illustrates this fact in a very marked degree:

YEARS.	BUSH. WHEAT.	LBS. COTTON.	OZ. SILVER.
1872	\$1.40	18.0	\$1.32
1873	1.25	18.2	1.29
1874	1.25	15.0	1.27
1875	1.10	15.0	1.24
1876	1.20	12.9	1.15
1877	1.17	11.8	1.20
1878	1.30	11.1	1.15
1879	1.07	9.9	1.12
1880	1.25	11.5	1.14
1881	1.11	11.4	1.13
1882	1.19	10.8	1.13
1883	1.13	10.5	1.11
1884	1.07	10.6	1.01
1885	.86	9.9	1.06
1886	.87	9.5	.99
1887	.89	9.8	.97
1888	.85	9.9	.93
1889	.90	10.1	.93
1890	.83	10.0	1.04
1891	.85	8.7	.90
1892	.80	8.8	.86
1893	.63	7.0	.72

It will be noted from the above table, that in 1872 wheat was worth in Chicago \$1.40 a bushel, cotton 18 cents a

pound and silver \$1.32 an ounce. In 1893 wheat was worth 63 cents a bushel, cotton 7 cents a pound and silver 72 cents an ounce.

According to the Report of the Director of the Mint, the amount of gold and silver and paper money in circulation in the United States on the 1st of November, 1894, was as follows:

Gold.....	\$ 626,632,078
Silver.....	625,335,551
Paper money .....	1,170,190,080
Gold, per capita, \$9.09.	
Silver, per capita, \$9.08.	

Under the law all paper money is redeemable in *gold and silver*; and, so long as that is the law, silver is of necessity a redemption money.

ONE OF THE PERILS TO AMERICAN FINANCES IS THE FACT THAT  
WE OWE TOO MUCH MONEY ABROAD.

In the beginning we commenced the dangerous practice of borrowing from abroad. We had limitless undeveloped resources and but little actual property. Before us was a vast and unexplored continent; behind was the trackless ocean which separated us from the old world. The wealth of the new land was boundless, and yet we were poor because we had not developed that wealth. And so we commenced running in debt. This seemed to be wise and necessary. We were accomplishing wonders, but we were doing it at the expense of generations to follow us. We knew then, as we know now, that a well governed people must be prosperous, and that our finances, like our commerce, must be made to fit our situation. We are a continental nation—a world within ourselves. Our conditions differ from those of other peoples. We have always been making towns and cities, railroads and other public highways, school houses and churches, building factories and cultivating the soil. We are creators, not imitators. We



are constructing new things, instead of using old things which are already made, and, in this process of building, we have become a debtor nation. We owe vast sums of money to the older and wealthier portions of our own country and to foreign nations. We have in the past been paying these debts and the interest thereon from our surplus products; but recently we have had no surplus to pay our debts with, because our products did not pay for their production, so we have had to pay in money; and the more money we have sent away for these purposes, the harder times have become at home. And thus, while we needed more money than at any other period in our history, the gold people wanted us to have less.

The gold people seem to admit that we must have silver, but they say it is impossible unless we have an

#### INTERNATIONAL MONEY SYSTEM

which would be as difficult to secure as an international form of government or an international language.

It has always been the custom of each nation to coin its own money and regulate the value thereof, and each nation will continue to do so, *for coin is money only within the country which makes it*. The material of which it is made sells everywhere as a commodity, and, like all other commodities, its value is fixed by supply and demand. The stamp of the government which makes the coin does not enhance or depreciate the value of the coin itself outside of the country so stamping it. Gold and silver are, therefore, commodities. Wheat is a commodity. Can a congress of nations permanently fix the value of wheat? It is as likely to do one as to do the other.

Under our laws at this time you can take gold to our mints and have it coined into money, but you can't take silver there and have it coined into money, and yet the greatest gold man in the land pays out silver many times when he pays gold once. And that same gold man says it is not honest money, and he will pay this same bad money

to the man who blacks his boots or drives his carriages. This he calls "honest dealing."

The United States Constitution contains broad and far reaching provisions prescribing the internal policy which should prevail in the American Republic, including that of finances.

The coining of American money, with new denominations of value and new names given to each coin, was one of the first steps taken by this nation to show its national independence. This system of coinage continued until 1873, and it cannot be changed unless we change the Constitution.

GOLD AND SILVER ARE THE CONSTITUTIONAL MONEYS OF OUR  
COUNTRY.

The Constitution of the United States prescribes that :

"The Congress shall have power to coin money and regulate the value thereof;" and that "no State shall make anything but gold and silver a tender in payment of debts."

Under this plain constitutional provision a State can make both gold and silver a legal tender. But it cannot make one a legal tender and prohibit the use of the other. Both metals were selected by the builders of our government as the necessary money metals of the nation.

Congress has no powers except such as are conferred upon it. The States retain all the powers not expressly taken from them. The general government coins money, and it coins the money that the Constitution prescribes, but the States are authorized to make gold and silver only a legal tender in payment of debts. In a word, the States can indicate the purposes for which the money so coined by Congress can be used, but Congress cannot, by refusing to coin gold and silver, prevent the States from establishing a legal tender which the Constitution directs.

When Congress is given power to coin money it is only those kinds of money which the same instrument says shall be a legal tender in payment of debts. It is true the Supreme Court has decided that Congress has the power to

make paper money a legal tender, but Congress has not the power to demonetize any money which the States may also declare a legal tender ; *nor is there anything in the Constitution which directly or indirectly gives to Congress the authority to demonetize any constitutional coin.* It may coin money, it may coin gold and silver, but nowhere is Congress given the power to destroy gold and silver as money.

Silver is, therefore, one of the money metals of the Constitution, and yet people who would destroy it as money declare that we who lean upon the Constitution of our country as the "anchor of our hope," are attacking the rights of property by making a constitutional money our money. In fact, when these people are destroying everybody's property but their own, they claim that those who oppose them are attacking the rights of property.

The strongest argument made by the gold people is, that silver is so much cheaper as a metal than gold, and the price of silver has so deteriorated in value, that it has become a commodity, and has ceased to be a money metal.

#### SILVER A COMMODITY.

If we admit this, it means that because silver is cheap as a metal, we should do everything we could to make it cheaper. Treating American silver as a product of American mines, and not as a money metal, the gold argument is unjust. Imagine a combination of people who would attempt to destroy one of the great productions of our country by lowering its value so that it could not be produced. Take pig iron, coal, copper, or take any of the products of the farm—wheat or corn—and the fallacy of the position assumed by those who believe in gold only as a money metal is most readily seen; because it must be remembered we must have silver money in some form. We cannot carry on the business of the country on gold alone.

Think of the dealer in wheat attempting to drive out of the market all the corn because it is cheaper, or the dealer in coal attempting to destroy the value of all the iron because it is dearer.

Silver is a commodity, except at home and when coined into money. Gold is equally a commodity, except at home and when coined into money. Iron and coal are commodities. It is only the coined money (and in the country which coins it), which is not a commodity. Gold and silver bullion is no different from wheat, except that it is of greater value. It sells for what it will bring in the market, and not for what it is stamped, as money, when sold beyond the country that makes money of it.

#### NO FOREIGN BALANCES.

Being a debtor nation, we have no foreign balances in our favor, and when our exports do not largely exceed our imports, money leaves the country to meet the demands of our foreign creditors. In such an emergency, we need two money metals because we cannot retain our gold unless we are prosperous, and we cannot be prosperous unless we have some money for home use which we can keep at home, and we will have no redemption money when our gold leaves us, unless we have the free coinage of silver.

In times of prosperity we receive from abroad more money than we pay out; in times of business depression, we pay abroad more money than we receive from there. This is so because our foreign creditors become alarmed when we cease to pay; as we increase the amount and value of our imported luxuries, we have to pay for them in money which goes out of the country, and when we join our foreign creditors in undervaluing one of our money metals, we destroy our ability to pay, and thus lower our credit. Under present conditions gold goes out of the country in the same ratio as the excess of imports comes into it, and so we will have no metallic or redemption money left for home purposes. To add to our misfortunes, the gold people are slandering one of the money metals—silver—by saying it is not honest money. It would be no worse to say the American people are not honest people because every man uses more or less silver—pays it out and receives it as money.

The creditor is trying to increase the value of money by making it scarce, the debtor to increase the value of commodities by making money abundant. One is defending our industries and the great mass of the plain people who have their fortunes yet to make; the other is trying to double the fortunes already made by enhancing the value of money due them by the producers and workers of the country.

Anomalous as it may seem, yet it is true that a silver dollar in the United States, a silver shilling in England, or a silver five franc piece in France (although silver is not recognized in either country as redemption money) will buy just as much as so much gold money. England has more than a hundred millions of dollars of subsidiary silver money in actual circulation; France has more than five hundred millions; the United States fully six hundred and twenty-five millions; yet by law, in all three of these countries, silver is not a redemption money; it is demonetized, and the standard of value is fixed by gold. In other words, silver is good enough to buy a loaf of bread, to pay the farmer for a pound of butter or a bushel of wheat, or to pay the laborer for a day's work; but it ceases to be sound money to pay our debts. This is not honest.

SILVER IS SOUND MONEY AMONG THE PEOPLE WHO WORK;

but it is unsound money among the speculators.

Remember, the ability to pay our debts depends on the price of our commodities. It takes just as much work to raise a pound of fruit or a bushel of corn, to raise a sheep or a steer to-day as it ever did; but none of these products of the farm will pay as much debt to-day as they would pay before silver was demonetized.

It thus seems clear that the workers and producers are made to suffer, while the speculators are benefited by the demonetization of silver.

This money contest is, therefore, a war between the uses and value of money and the prices of products.



Every producer knows he is not making money; every farmer and laborer knows times are hard; that money is scarce and difficult to obtain, and that prices are low. Every man who is in debt (and most men are) knows how difficult it is to make both ends meet. Every honest man wants to pay his debts, and so he is looking for a remedy for these admitted evils, that he may be able to do so; but the creditor class seems unwilling to assist him in this effort.

To fully appreciate the effect of the demonetization of one of the money metals of our country, it must be borne in mind that

#### THE PRESENT INDEBTEDNESS OF THE PEOPLE OF THE UNITED STATES,

of every kind, is about eighteen billions of dollars. This includes the national, State and municipal debts of two billions, the bonded indebtedness of the railways and other corporations, exceeding five billions, the mortgage debts on private lands, amounting to five billions nine hundred millions, and the bank indebtedness of three billions one hundred and fifty-eight millions of dollars. The balance is miscellaneous. Of this vast indebtedness, more than two billions three hundred millions of dollars is held in Great Britain, Germany and France, the principal and interest of which is wholly payable in gold; and yet it can never be paid in gold because we have not gold enough. It must be paid, if paid at all, in our excess of exports over our imports; and therefore it cannot be paid unless our people are prosperous, because we can have no excess of exports unless we are prosperous. Fair prices for products and an abundant circulation of metallic money is necessary to secure prosperity.

The indebtedness of our country is increasing, if not in amount, in the increased purchasing power of money, while the means for paying our debts is decreasing, because the products of the farm and of the factory bring less and less, as the purchasing power of money becomes greater.

In a Republic like ours the great danger to free institutions is the

#### UNDUE EXALTATION OF WEALTH

and corrupting influence of the combined money power.

It is true that in our country there are no class distinctions by reason of birth, but there are distinctions among our people even more dangerous, namely: those distinctions which arise between the rich and the poor, between wealth and poverty. This cannot be stopped, but it can be ameliorated by giving to every man an equal chance in the struggle of life. The single dollar and the million dollars should have the same relative value and be equally protected by the law.

This is a commercial age, and the people of the world are devoted to money making. The older civilizations have the accumulations of ages to live from. They are intuitively in favor of increasing the value of what they have to sell—money. But the people of the United States are differently situated. We have nothing completed. We are not the mere users of the accumulations of the past. We are creating wealth by borrowing money to use in its creation, and are thus in debt. The question is, how can we best pay our debts?

#### DEPRECIATION OF VALUES.

The values of all property in the United States have within two years depreciated fully \$8,000,000,000. This would bankrupt any other nation, and it has nearly bankrupted this. What is the remedy for this remarkable depreciation in value? Continuing the gold standard is but an aggravation of the disease, for we cannot pay in gold, even if the single gold standard were continued. There is not gold enough. We must have some other money. Silver is the next in value. We can make no mistake in adding silver to our metal money and coining it as freely as we do gold. England, with all her commercial and financial advantages, cannot pay in gold. She pretends to do this. Her standards of value

are in gold, but she pays in checks, in balances, in anything but gold.

It is axiomatic that when products are cheap the debtor cannot pay, business becomes depressed, and both debtor and creditor suffer ; and under those conditions we need more money and cheaper money, and more products and dearer products, rather than dearer money and cheaper products.

#### THE PRODUCERS NEVER HAVE A SURPLUS OF MONEY,

but they have something to sell which in ordinary times will bring money. When there is a fair price for products the producers increase their output ; the demand for labor and the prices of labor increase, because the opportunities for work are enhanced. Money thus becomes abundant, and prosperity is inevitable. It is the opportunity to work which is all important to the laborer. Steady employment means remunerative employment. It is admitted that every man must earn money before he can get it. The trouble now is, he cannot get it after he earns it. The people who most need favorable legislation on the money question *are those who have their money to earn, and not those who have money to loan.* They are as a thousand to one compared with those who have money in bank.

Is it wise or honest for a debtor people to assist in demonetizing one-half of all the money in the world and thus decrease the opportunities for those who have no money to honestly earn some? Does any sane man believe that this would be advantageous to the industrial energies of our country? When silver was demonetized in 1873, it was at par. The demonetization of silver, when done, was not demanded by the people, nor is it demanded by them now. *If all our mints coined silver and nothing else, they could not turn out one dollar a year to each American citizen.* Would a dollar annually, for each of the whole American people, constitute undue inflation?

Money, like property, is parted with for a consideration, and that consideration is things. The cheaper the things

and the dearer the money, the more things the money will buy. And as only a few people have money and the great mass have things, the majority of the people are in favor of a good price for things and a reasonable value for money. No one wants inflation or contraction. Both are dangerous to the prosperity of a country, but inflation never did result from too much coined money.

Money is not wanted for itself alone, but for its uses, and if gold is not used by the people, it is of no value to them except as a symbol of wealth. Money is only a means to an end, but that means should not be exalted at the expense of the end to be attained. Its chief use is to promote business and commercial relations among the people by a convenient transfer of values. Nowhere, except in the west, is gold used for that purpose. In the eastern States gold is used solely for speculative purposes, and to stand behind the country's credit. Money can be either too valuable for use, or it can be of too little value and too abundant for use. Either extreme is dangerous to the business interests of the country and either imperils its credit.

The six hundred millions of dollars of gold in the United States is of no earthly account as money used in the commercial and business transactions of the people of this republic. It is only useful to make a standard of values, and it is an unfair and a false standard. With that limited amount of gold money, the standard of values of things can be made to fluctuate at the will of a few rich speculators; and thus there will be an absolute want of stability in prices. Indeed, that has been the result since we had a single gold standard. We never had hard times until the gold speculators got control of the money market.

To illustrate : If we should destroy all the greenbacks, all the silver certificates, melt up all the silver money, and leave nothing but gold in circulation as money, our country would be bankrupt. We could not carry on business an hour under those conditions. Then what is the result of our present financial system? We have one kind of money for use, to fix values and to pay our indebtedness, and



another kind of money for use at home among our own people to pay for products. We use depreciated money to pay for our home products and appreciated money to pay our old debts. We imitate English financial customs, without having the English accumulations of five centuries to stand behind us.

The business people of the United States have often suffered for not having enough coined money—gold and silver—but we challenge the contradiction of the statement that there has never been a time in the history of this country when we have had too much gold and silver.

We are just now feeling the full weight of the depression caused by the demonetization of silver in 1873. This is so because, since that time and up to three years ago, our exports generally exceeded our imports and our money stayed at home; and again, in a great country like ours, it takes time to destroy it financially. The struggle has been long and painful, but the end is certain and inevitable.

#### THE UNIT OF AMERICAN COINED MONEY IS THE DOLLAR.

It has always been the dollar—not five dollars, nor ten dollars, nor even twenty dollars—but one dollar, and that dollar of coined money has always been silver. It is true that, by the Act of Congress of 1873, the law of 1792 making the silver dollar our unit of value was repealed, but there has been no other coin to take its place; there is no other coin but silver that can take its place. In theory, the gold dollar fixes the unit of value; in practice, it is silver or paper. Since 1850 the world has produced in value about the same amount of gold and silver, and so it was not the excess of silver over gold that caused its demonetization in 1873. It is a fact, also, that in February, 1873, when silver was demonetized, it was at par as compared with gold. It will thus be observed that inflation exercised no influence in the passing of that act of demonetization. It was done purely and simply to decrease the amount of metal money and thus increase the value of what remained; thereby indirectly increasing the amount of our debts without increasing the opportuni-



ties to pay them. It was done to benefit the creditor class and to injure the debtor class, and it accomplished that purpose, whether intended or not.

The gold men argue that a given amount of gold money will buy as many things now as in 1873, because money has increased in value and things have proportionately decreased in value. But the answer is: this has caused hard times, and hard times are not best for the people. Stagnation in business follows the lowering of prices and taxation, and our debts do not shrink in amount as times become hard and money scarce. It takes just as much labor to work our farms now as when prices were good and we get one-half the amount for it. Mere theories cannot sustain a great industrial people. It is labor and the products of labor which enrich a country and make people happy and contented. Labor and its remunerative results come with good times and good times come with good prices. A falling market always produces hard times to those who are in debt and to those who have to work for their bread. To such people inflation is better than contraction. The only safety is in making laws for *the whole people*. If there is but one-half the money in circulation there ought to be, property is worth just one-half of what it ought to be, because the purchasing power of our money is doubled. No one gets money for nothing, but he gets more money for something when there is much money in circulation than when there is little. Non-circulating money is not useful as money.

#### GOLD LEAVING.

It is absurd to say that the free coinage of silver will drive gold out of the country. Gold is going out of the country now faster than we can borrow it, and the free coinage of silver will not facilitate its departure. On the contrary, it will cause it to remain here. Because, when we have the free coinage of silver and gold, our metal money will be largely increased, our domestic industries will be improved, the prices of products will be enhanced, and the

prices of labor will increase, our exports will exceed our imports, and better times will be inevitable. Money will flow into the country instead of flowing out of it, because confidence will be re-established, and confidence is the pulse of prosperity.

The present financial situation demands calm and deliberate consideration. We are not now inquiring how the Act of Congress of 1873 demonetizing silver was passed, or who was to blame for its passage, or whether it was done openly or secretly. The fact that it was passed is bad enough. We are seeking remedies for existing evils, and not for reasons why they were imposed upon us.

We are conscious of the power of money in moulding public opinion. We know capital is always organized. We know that to get money honestly is the universal desire of good men; to get it dishonestly, is the practice of bad men. But the great battle of life is to get money. It is the inspiration of every business enterprise. Money stands at the gates of commerce and opens or shuts them at its will. It employs the labor which fires every furnace, turns every wheel and cultivates every farm. It is the desire for money that makes man delve into the depths of the earth and bring forth the hidden treasures of God's creative work. It is that same desire which fathoms the ocean and places over its silent bottom the metallic messengers of thought. It inspires invention, and thus utilizes the unknown powers of nature; it gives to mechanics broader conceptions, to genius a defter touch. It dwells in the cells of every man's brain. It is the hope of the young, the pride of the old, and the ambition of all. The seductive influence of money sometimes makes justice blind and causes statesmanship to pause in its presence. For it, nation makes war upon nation, and the world has thus become a vast camp of armed men. Without money civilization is impossible, learning goes daft and refinement is lost in barbarism.

For these reasons, the man who has much money wants more. The man who has none wants some. Every human being is jostling every other human being in the struggle

for money. Is it then a marvel that the few who have money want to make it more valuable and thus injure the many who have none? This is human nature, but it is the wrong side of human nature. The American people are just, and when aroused will be loyal to truth by making the money of our Constitution the money of the people; and this can be accomplished only by the free and unlimited coinage of both gold and silver.



# ADDRESS

—BY—

CHANCELLOR HARTSON,

AT

NAPA CITY, OCTOBER 14, 1886.

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The Republican Party,

ITS POLICY AND ITS TRIUMPHS.

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The Railroad Amendment

TO THE CONSTITUTION.

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PRISON MANAGEMENT.

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Party Fealty---Advice to Republicans.





# THE REPUBLICAN PARTY.

## ITS ACHIEVEMENTS AND POLICY.

In 1856, thirty years ago, the Republican party was formed, with its cardinal principle, justice though the heavens fall.

Opposition to the further extension of slavery, a restoration of the Government to its original purposes, the promotion of the happiness of all, and the liberty of all regardless of race or color, retrenchment and reform were its watchwords.

The conscience of the Nation was aroused. There flocked to its standard the philanthropist and patriot, the sage and the statesman—all intent on arresting the progress of the slave power and disenthraling and regenerating and saving the Republic.

In 1860 the Republican party astonished the world by its success, and Abraham Lincoln, humanity's friend, became President. The sagacious, learned and eloquent Seward, one of the bright morning stars of freedom, became Secretary of State.

In this position his great talent and his wonderful diplomatic skill and ability were of indescribable service in averting intervention on the part of England and France and some of the Continental countries of Europe in the struggle for the

integrity of the Union and against the raging billows of slavery.

The classic, erudite statesman and jurist, Chase, gave his great talents to his country, and became one of the chief pillars of the Administration.

Associated with these distinguished persons were an innumerable number of grand and heroic men in every calling and station of life, the effulgence of whose acts and characters light up the world and illumine it as the nightly stars light up the material universe.

#### THE TRIUMPH.

No human mind can comprehend, and no human tongue can portray the full measure and extent of their achievements.

The most formidable rebellion of the world's history was subdued, and the unity of the National Government asserted and established, and the foundations of the Republic laid strong, deep and permanent.

The expectations, hopes, sentiments and principles of the Republican party have crystalized into laws, constitutions and a history richer and grander than the most sanguine philanthropist and patriot had dreamed of.

Their achievements and sacrifices have been witnessed on a thousand battle-fields.

The divine truths entertained by the Republican party have been submitted to the arbitrament of war, tried, refined and perfected in the blaze of battle; established at the mouth of the cannon, and recorded in the Constitution of the United States, there to remain undimmed by time forever.

Under a Republican Administration, after four years of conflict, there was brought out of the long night of suffering, liberty and union, now, and we trust forever more. Through a Republican administration we have had a land smiling with peace and rejoicing in plenty, a land redeemed, regenerated and disenthralled, a land where liberty and order and law shall walk hand in hand in happy union through coming ages.

#### PERSONAL.

Here on the Pacific I early espoused the principles and assisted in the organization of the Republican party. I drew and with a gallant band signed and published the first declaration of its purposes and principles in Napa County. I entered the ranks of this party in my youth when few cared to enter, as it then required a sacrifice of office, standing, business and everything but honor and conscience. I have hitherto remained steadfast, supporting all of our Presidents, Governors and representative officers, because they were Republicans. And now, notwithstanding I am conscious of an unwarranted interference and gross violation of the rights of individuals and the party by a great monopoly, I still accept the situation and shall not attempt to purify the party by flight and assault, but shall remain a steadfast soldier in the ranks that I have served for thirty years in both success and defeat, to advise the safer course and warn of approaching danger.

#### WHAT NEXT?

The party cannot live on its past record, however brilliant. It cannot survive on its former

glories alone. Motionless waters stagnate. Inaction, produces death. Progress is the law of life and success.

A brilliant record should be an incentive to great and useful achievements in advancing the welfare and happiness of the people.

#### STATE ELECTION.

While we have but little power to govern the nation, we have much to govern the State. The people are now largely interested in what concerns the State in education, in taxation, in the adjustment of water rights and water property on a just basis; in the protection not of our productions alone, but of our producers, our own people against Mongolian encroachment through both the voluntary act of the people as well as Congressional enactments; in suppressing vagrancy, pauperism and criminality; in instilling habits of industry, sobriety, rectitude and order in all classes, but especially in the young; and by a system of economy and retrenchment of county and State government, in a reduction of the taxes which are enormous and grievous to be borne, consuming both the energies and life of the people.

#### NO PROCRASTINATION.

I will examine first the question whose consideration cannot be postponed, a question that by law must be decided by the people's ballot at the next election. Let no one be indifferent, let all examine it carefully, for its decision for weal or woe must be made, is unavoidable, is fixed by unchangeable law.



## The Railroad Amendment to the Constitution.

That the Amendment to the Constitution, known as the "Heath Amendment," may be intelligently considered and discussed, the mode of amending the Constitution, the clauses of the Constitution proposed to be amended, and the substitute offered, are here presented.

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## The Method of Amending the Constitution.

### SECTION I OF ARTICLE XVIII.

Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two-thirds of all of the members elected to each of the two Houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon, and it shall be the duty of the Legislature to submit such proposed amendment to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so proposed and distinguished by numbers or otherwise that each can be voted on separately. If the people shall ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of the Constitution.

The Sections of the Constitution providing for taxation and assessments are as follows :

### SECTION 1, ARTICLE X.

All property in this State not exempt under the laws of the United States shall be taxed in proportion to its value.

\* \* \* \* The word property as used in this Article and Section is hereby declared to include moneys, credits, bonds, stocks, dues, etc. \* \* \*

### SECTION 4, ARTICLE XIII.

A mortgage, deed of trust, contract, or other obligation

by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi public corporations, in case of debts so secured, the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of the said security shall be assessed and taxed to the owner thereof.

PROPOSED AMENDMENT ADOPTED BY THE LEGISLATURE  
MARCH 5, 1885, AND SUBMITTED TO THE PEOPLE  
FOR ADOPTION OR REJECTION AT THE GENERAL  
ELECTION TO BE HELD NOV. 2, NEXT.

SEC. 1. All property in the State, except railroads, not exempt under the laws of the United States, shall be taxed in proportion to its value. \* \* \* \* Double taxation in any form is prohibited.

SEC. 10. \* \* Every corporation and person owning or operating a railroad, or any portion thereof, in this State shall, on or before the first day of July of each year, pay to the State Treasurer an annual tax of two and one-half per cent. upon the gross earnings, earned within this State, of such railroad for the year ending upon the 31st day of December next preceding, which tax shall be in lieu of all other State and County taxes upon the franchise, business, right of way, road-way, road-bed, rails, rolling-stock, fences; stations and their appurtenances, and upon ferry-boats when operated as a part of such railroad, and upon the shares of the capital stock, and upon the mortgages, deeds of trust, contracts or other obligation by which a debt is secured upon such property. \* \* \* In all cases where railroads are situated partly within this State and partly without this State, the gross annual earnings shall be ascertained and determined by taking first the gross earnings which during the last preceding year have been earned wholly within this State: second, the gross earnings which during the same year have been earned partly within this State and partly without this State, which shall be ascertained by apportioning such earnings between this State and other States and Territories in the proportion which

the number of miles of such railroad situated in this State and used in making such earnings bears to the whole number of miles thereof, by the use of which such earnings are made. \* \* \*

For every purpose of this Section (10), except the purpose of ascertaining the proportion of interstate earnings to be added to the earnings made wholly within this State, all railroads operated as one system shall be treated as one road."

## REPUBLICAN PLATFORM.

### TAXATION.

The Supreme Court of the United States having failed to determine whether or not the method of taxing railroad corporations declared by our State Constitution is in conflict with the Constitution of the United States, we are without an authoritative rule which might otherwise relieve the question of present embarrassing complications, and this subject requires of our Legislature and Executive the most careful and deliberate action. The gravity of this matter puts us in a place above the range of party politics and demands the serious action of the best thinking people of the State. In this respect and in all others we favor equal and just taxation for the maintenance of the Government, and affirm that all should pay a full share of the public taxes fairly due and in accordance with the broad principles of equity.

### SHOULD THE PEOPLE OF THE STATE OF CALIFORNIA TO ADOPT THE HEATH AMENDMENT?

Ought the people of the State of California to so amend the Constitution of the State as to absolve the Railroad Companies and those holding their bonds and securities from all State and county taxes, except  $2\frac{1}{2}$  per cent. on their gross earnings?

### THIS IS A QUESTION OF SUPREME IMPORTANCE TO THE PEOPLE.

There should be no change in the organic law of a State for slight and trivial causes.

There should be clear and urgent reasons for a change be-

fore it is attempted, and the natural and possible results should be well considered in advance.

Remember that to undo a mistake on the part of the people it requires a vote of two-thirds of all of the members of each House, before the question can be resubmitted for a vote, and the sad experience of the people in conventions and legislative halls does not justify any such expectations, if the interests of the great monopolies are adverse. A mistake on this question of taxation is fatal. Beware of a course that is pregnant with calamities for yourselves and your children, and for which regret and contrition bring no relief.

#### IMPORTANCE OF THE QUESTION OF TAXATION.

It may be said that undue importance is given to the question of taxation.

He must know little of the history of his own country who regards the question of taxation with indifference.

The question of taxation and resistance to exorbitant and unjust taxation once caused a revolution that separated the Colonies from the mother country, gave birth to a nation, and made the battlefields and patriots of America immortal.

#### PERSONAL REFLECTIONS.

In the discussion of this most serious and most important question I wish to disclaim all but the most worthy motives, an interest in the public welfare, and to consider this vital measure dispassionately and intelligently, unaffected by fear or friendship, by interest or passion.

My history vindicates me from any charge of prejudice or unfairness. I supported with zeal the head of the great corporation for Governor nearly three decades ago. I was, in both the Upper and Lower House, occupying the important position of Chairman of the Committee on Judiciary, when this now great corporation was in its infancy and poverty, and in accordance with the public wish and my own judgment I voted for all of the State measures that gave them credit and standing, one of which enabled them to borrow one million and a half of dollars, the State paying the interest thereon for twenty years, amounting to the re-

spectable sum of two million and one hundred thousand dollars. I declined pressing and tempting offers to enrich myself out of their contract and finance mismanagement, while one who realized large profits from their blunders was afterwards sought, salaried and honored by their deliberate choice.

When I have differed from these gentlemen, enriched by their good management and the gratuities, princely gratuities, of the people, I have done so in good temper and respectful language.

When in 1880 I endeavored to enforce the New Constitution, to which they were strongly opposed and for the adoption of which I did not vote, chiefly on account of what I then deemed its abortive judicial system, since verified, I used the following language:

#### RAILROAD.

Undoubtedly to the fearless resolution, to the bold adventure, to the grand work, and to the lofty and comprehensive policy of Governor STANFORD and his associates, the State is indebted for its magnificent system of railroads, reaching from Oregon to Arizona, and from the Pacific to the Wasatch Mountains, with its untold facilities and its vast contribution to the industrial and commercial wealth of this State. Let no one underestimate the great and useful work of these distinguished men. Yet, while they have contributed much to the growth and wealth of the State and Nation, the State and Nation have not been unmindful of them, their enterprises, and their interests. The various counties of the State and the State itself have poured millions into the treasury of this company to make the members thereof strong and powerful—but not masters.

The largesses from the General Government to this company have been so vast as to run high in the tens of millions, and there is but one other grant so enormous in the whole history of the Republic. There is no just reason why there should not be, on the part of this great corporation and all others, complete submission to constitutional law. I would not allow any high merit on their part, or high personal esteem on mine, to relieve them from the equal appli-



cation of the law, or from the common burden of taxation. I would strictly and stringently enforce on all alike the system of taxation provided in the Constitution.

#### THE ARGUMENT.

Is two and one-half per cent. on the gross earnings of railroads equal to what they now pay under the Constitution, or equal to the sum paid by farmers, merchants and other classes.

The statement of the Secretary of the State Board of Equalization for the year 1885, concerning the railroad companies in this State, is as follows:

Railroad taxes levied.....	\$880,408 13
Gross earnings, tax at 2½.....	402,340 80
The People lose and the Railroad gains by the adoption of the proposed amendment .....	478,068 33

The further sum of \$26,928.18 tax on town lots and lands was omitted, some doubts being entertained whether it was proper to be levied or could be enforced. This sum added to the above assessment and levy would make the difference between the two systems, between an assessment on property under the Constitution as it is and on income as proposed, FIVE HUNDRED AND FOUR THOUSAND NINE HUNDRED AND NINETY-FIVE DOLLARS AND FIFTY CENTS (\$504,995.50).

#### ONE HUNDRED MILLIONS OF BONDS NOT TAXED.

Should the railroad companies be assessed on their indebtedness in bonds and otherwise, or should the bondholders be assessed as the holders of mortgages are assessed, it would nearly double the assessment on railroads, for their indebtedness is not less than one hundred millions, which with a State and county taxation of one dollar and sixty cents on a hundred, would produce to the State one million and six hundred thousand dollars annually.

The Railroad Companies foresaw that such a tax imposed on these bonds would impair greatly their value and diminish their price and render difficult their sale, and they avoided it, and propose by this Amendment to avoid all tax on railroad mortgages and bonds and one-half of all other taxes.

## CONSTITUTIONAL CONVENTION HISTORY.

In the consideration of the Heath Amendment I do not propose in this presentation to discuss the validity of the Constitution relating to railroad taxation, for it is not necessary, as I shall explain hereafter, but I will not pass this question without remarking that the Hon. J. M. Dudley, a member of the State Convention and an upright and able legislator of a decade's experience, in giving the history of this Amendment states that it was introduced by the Hon. James Mc. Shafter, an able lawyer, a distinguished statesman, an intimate and warm personal friend of the Railroad Directors, that the same was considered carefully by the brilliant and learned attorneys of the Railroad and also of the people, Col. Hoge, Wilson, Barnes, Edgerton and scores of others of high legal learning and well established fame, and was approved by them and inserted by them in the Constitution as just, proper and valid. That it is in the Constitution shows their concurrence and approval. If they had not favored it then you would not find it there.

The Supreme Court of the United States has placed this question beyond honest controversy, affirming the principle and form of our Constitution in the decision of the Illinois railroad tax cases, rendered by Justice Miller, and found on page 575, Vol. 92, of the U. S. Supreme Court Reports, in which the Court states that a statute is not unconstitutional which prescribes a different rule of taxation for railroad companies from that of individuals. And the Court states that if the claim be set up that this system of taxation is in conflict with the Constitution of the United States, "it is sufficient to say that it is without foundation."

NO FENCES TO STRADDLE OR CRAWL UNDER IN THAT CASE!

That the conclusions may be just and accurate let us select some of our well known energetic and enterprising farmers and business men for illustration:

W. A. FISHER, FARMER, NEAR NAPA,

Has a farm with stock assessed at.....	\$ 29,475 00
His gross annual earnings from same do not exceed.....	5,000 00
At 2½ per cent, the Railroad Amendment basis, his taxes	
would be.....	125 00
But his State and County taxes are really.....	486 33

## WM. IMRIE

Has a farm assessed at .....	\$ 15,520 00
His gross annual earnings are .....	3,000 00
His tax, according to the Railroad Amendment, would be .....	75 00
His tax under the present system, for 1886, is .....	256 08

## H. C. PARKER, FARMER,

Is assessed on farm and stock .....	\$ 26,010 00
His gross annual earnings are .....	3,000 00
His State and County taxes this year are .....	429 16
If he could pay as the R. R. wish to, his tax would be only .....	75 00

## G. W. DEWEESE

Has a farm with stock, assessed at .....	\$ 10,125 00
His gross earnings this year are .....	1,600 00
Under the Railroad system he would pay .....	40 00
But he is compelled to pay .....	167 06

## THE FARM OF GEN. JOHN BIDWELL

Produces gross annual earnings, about .....	\$140,000 00
Taxed at $2\frac{1}{2}$ per cent., amounts to .....	3,500 00
But he really pays .....	10,771 84

## THE BANK OF NAPA.

Annual gross earnings do not exceed .....	\$ 30,000 00
Tax at the Railroad rate of $2\frac{1}{2}$ per cent. ....	750 00
Last year the Bank paid taxes amounting to over .....	3,000 00

Unquestionably the adoption of this amendment will bring enormous losses to the people and stupendous gains to the Railroad Companies.

Bankers, merchants and farmers are paying more than double the taxes provided in the Constitutional Amendment for railroads.

Words fail to describe the rank inequality and injustice premeditated. And the people are expected to enslave themselves by ratifying this inequality and injustice.

A copy of a letter from the Secretary of State of Illinois is as follows :

SPRINGFIELD, Sept. 1st, 1886.

"The Illinois Central pays 7 per cent. of their gross earnings into the State Treasury in lieu of all taxes."

H. D. DEUVAL, Secretary of State.

The information comes that some States have been subservient to the great corporations and have accepted their terms either through ignorance or they were deceived and ensnared by the sleepless and numberless unscrupulous agents of encroaching wealth and sordid power.

## THE REPUBLICAN PLATFORM

Recites, that as the Supreme Court of the United States

has not passed upon the validity of our Constitution touching the taxation of railroads, "WE ARE WITHOUT AN AUTHORITATIVE RULE WHICH MIGHT OTHERWISE RELIEVE THE QUESTION OF PRESENT EMBARRASSING COMPLICATIONS."

The Constitution is itself THE AUTHORITATIVE rule. We know no other or higher rule. The payment of taxes will relieve the question of all embarrassing complications.

The presumption of validity ought not to be overcome or even affected by a denial thereof or a challenge on the part of corporations.

IT WOULD BE A MODERN DISCOVERY TO FIND ANY CONSTITUTION SO SACRED IN CHARACTER, CORRECT IN PRINCIPLE, OR PERFECT IN EXPRESSION, AS TO COMMAND THEIR RESPECT OR AVOID THEIR HOSTILITY, IF IT IMPOSED ANY RESTRICTIONS OR BURTHENS UPON THEM.

#### CONSTITUTIONALITY NOT INVOLVED.

If the present Constitution is amenable to objections because the same system of taxation is not common to railroad companies and individuals, then the objection lies with much greater force to the constitutionality of the proposed Amendment.

By the present Constitution the difference in taxation between individuals and companies is slight, but in the proposed amendment there is a great departure, a new and entirely different system is adopted.

By the present Constitution railroads, like individuals, are assessed and taxation had on values of property. By the proposed amendment individuals will still be taxed on assessed values of property, and railroads not on values, but on gross earnings, on a different principle and system. on GROSS EARNINGS.

Now if the present Constitution is invalid because there is a slight difference in taxing individuals and corporations, what would make it valid when the difference is great?

THE ABSURDITY OF THE POSITION IS APPARENT.

#### THE RESULT OF AN ADVERSE DECREE.

In case the present system of taxing railroad companies, or others, for any reason fails, ample provision is made in

Section 2 of Article 13 of the Constitution, for taxing them and all others on their income in such manner and to such an extent as the people, through the Legislature, may deem just. Said Section is as follows :

#### SECTION 11 OF ARTICLE XIII.

Income taxes may be assessed to and collected from persons, corporations, joint stock associations or companies resident or doing business in this State, or any one or more of them in such cases and amounts and in such manner as shall be prescribed by law.

The remedy for any decree of invalidity is now in the Constitution and may be invoked on any occasion.

The corporations are aware that there is not the remotest probability that their income tax would be placed at less than five per cent., hence this struggle with the people.

#### THE PLATFORM

Again recites that "THIS SUBJECT REQUIRES OF OUR LEGISLATURE AND EXECUTIVE THE MOST CAREFUL AND DELIBERATE ACTION."

Uncharitable and evil minded persons may suspect that the platform on taxation, like the amendment, is rotten fruit from Fourth and Townsend.

This cannot apply to the amendment. What has the Legislature or the Executive to do with this amendment? Do they or the people ratify it?

By reference to Section 1, Article 18, of the Constitution, it will appear that when the Legislature by a two-thirds vote submitted this question to the people, then both their power and duty ceased, and if ratified by the people, (not the Executive or Legislature,) then "such amendment shall become a part of the Constitution."

#### THE PLATFORM

Further contains this wholesome clause : "THAT WE FAVOR EQUAL AND JUST TAXATION FOR THE MAINTENANCE OF THE GOVERNMENT."

This is correct, and we approve and construe it in opposition to the unequal and unjust amendment.



The railroads demand from the people an annual stipend of half of a million of dollars TO KEEP THE PEACE and OBEY THE LAW and NOT QUESTION THE CONSTITUTION.

Is there any reason why the people should donate to the great corporation a half a million annually and assume the payment thereof themselves and bind that burthen upon their children's children?

Does 4 cents per mile fare on their trunk line entitle them to commiseration, while in Texas the highest rate is three cents, as will appear by copy of letter from the Secretary of State :

AUSTIN, Texas, Sept. 16, 1886.

The maximum passenger rate allowed by law of this State is three cents per mile:

Respectfully, J. M. BARNES,  
Secretary of State.

BEWARE.

You are now confronted on every hand by the paid agents, attorneys, newspapers and legislators of great corporations.

Halt and consider, not whether you are acting wisely, but even sanely, if you consent to contribute further to their power and your weakness, to their wealth and your poverty, by putting their paid agents into your halls of legislation to serve them, not you, and besides perpetually endowing them from your scanty means with a half million annually.

PROTECT YOURSELVES AND YOUR FAMILIES.

Make the dumb leaders and orators speak on this question of vital importance to you. Do not enslave yourselves. Barter not away your rights and your property for a hollow and deceptive peace.

VOTE AGAINST THIS AMENDMENT, unless you wish to impoverish yourselves and your children to further enrich and aggrandize these great corporations.

VOTE AGAINST THE AMENDMENT, unless you wish slavishly to decrease their just taxes and pusillanimously increase your own one-half of a million annually as long as the Constitution of the State endures.

## ANOTHER EXTRAORDINARY PROPOSITION.

Section one of the Article to be ratified or rejected has the following enigmatical and plausible clause:

That "DOUBLE TAXATION IN ANY FORM IS PROHIBITED."

This language is not contained in any Statute or any Constitution of this State, and has not been during its whole history, but is found only in the records of the Supreme Court and its interpretation and construction are there given.

These seven words are full of meaning and full of danger. They are charged with the power of dynamite to jeopardize and perhaps destroy the peace and prosperity of the State.

The solution of this constitutional clause can be found in the case of the *People vs. The Hibernia Bank*, Vol. 51, Supreme Court reports, page 243, where it is declared that solvent debts are not property; that taxation imposed nominally upon credits results in double taxation; that credits, mortgages, notes, bills and bonds are not property, and that taxation imposed on credits embracing all classes of paper obligations is double taxation.

An attempt was made in 1880 to insert a like proposition in the Political Code. A copy of which, with the argument therein that I had both the duty and honor to present, is subjoined:

The first proposition expressed in Bill No. 403 is in regard to double taxation, and is in the following language:

SECTION 1. Section thirty-six hundred and seven of the Political Code is amended to read as follows:

3607. All property in this State is subject to taxation, except property which, by the laws of the United States or the Constitution of this State, is exempt from taxation; but no property is subject to double taxation, or to be twice charged or assessed by the same tax, whatever be the manner or form in which the property or any right, title, interest, claim, or demand therein or thereto is owned, possessed or held.

Argument then addressed to the Legislature, now to the people.

This clause was not prepared or inserted in the opposi-

tion bill by any friend of the New Constitution, and therefore deserves more than ordinary attention, careful inspection and scrutiny. The intention and purpose of this section, (if there was any purpose for its place in Bill 403,) was to bring all of our enactments on revenue and taxation within the compass of the decision in the Hibernia Bank Case, which adjudged that bills, notes, bonds, and stocks were not property, but its shadows or representatives; and that there was no real property but tangible, and that nothing but tangible property was assessable or taxable to any one. Should this section be adopted, and the Court should repeat the decision referred to, there would be but little left of the New Constitution affecting revenue and taxation to consider. If such a result was not foreseen and intended by the author of this section, what rational purpose had he in view? It is unsafe to support a bill containing so insidious and dangerous a proposition. Was it not enough to have enacted laws in the usual form, declaring what property should be assessed, and how?

No former revenue bill of this State contains this siren language, these alluring words. In innocent and harmless appearances this bill is like the Trojan horse of ancient fame. And who can say that it is not as pregnant with hostile forces and armed enemies to the Constitution, in the character of Hibernian Bank decisions, as the instrument referred to was to Ancient Troy? Could such a bill pass, and the Court repeat the decision adverted to, we then would have a new edition of the stockholders and bondholders' millennium.

Sixty-four votes are recorded against the principles of this Bill and only five votes in its favor.

#### DUTY AND PERIL OF THE HOUR.

Two hundred thousand freemen now have an opportunity to protect themselves against the machinations and exactions of the great monopolies and to check the rule of the Lobby Chief, who has performed such distinguished services in controlling conventions and legislatures, and more than all in elevating his noble master to Senatorial honors and dignity; that he is no longer the obsequious slave and hire-

ling, but has become the dictator of a political junta too powerful to be commanded and too formidable to be removed.

I call upon the Republican State Committee and County Committees in this crisis not to hazard the success of the Republican party, nor blight its fair name and history for equality and justice. Suffer not a single ballot to issue from your offices to Republican voters with the fatal "yes," but interpose as far as possible to protect the people from rank and cruel injustice and excessive and monstrous taxation.

If you aid in the consummation of this outrage the responsibility of defeat and disaster to the party will rest upon you.

#### STARVATION AND SCOURGING AT SAN QUENTIN.

The daily heralds announce a revolt at the great receptacle of criminals and den of criminality.

In this land of plenty, on the 23d of last month, September, the cry of sickness and starvation, from a scanty supply of tainted meat, sour bread, musty beans and nauseous food at San Quentin, directs our attention to that place of curses, crimes and sighs.

The announcement also comes that the Warden, Paul Shirley, is privileged to punish *ad libitum* to preserve order, and I suppose, to sustain the dignity of the managers and institution.

Is there the least probability that hundreds of prisoners have become desperate, as they allege, from hunger and starvation, without cause?

Although charged with insubordination and revolt, are they guilty of any crime but that of attempting to present their grievances and sufferings to the Board of Prison Directors?

The prisoners assaulted no one; they did not attempt to break out or escape; they violated no law, but in their distress they sought an interview with the Board of Directors to inform them that they were perishing from want of proper food.

Charles Aull, Captain of the Guard and turnkey, reports

that "Some one hundred or more convicts came to my office and demanded to see the Board of Directors. I asked them what they wanted with the Board of Directors, and they replied through their spokesman that they were being starved and wanted more food. I refused to pass them outside to the Board, and ordered them several times to return to their respective shops, which they refused to do."

The report further states: That after some parleying the guards on the walls presented their rifles in a threatening manner, the gattling guns planted on the neighboring hills were also directed towards the prisoners, and "they reluctantly retired" (famishing, as they exclaimed,) to their cells and workshops.

These tragic events remind us of Libby and Andersonville.

Their entreaties and supplications were stifled with gattling guns. With the cat-o-nine tails the Warden will learn these unfortunate men to make no more complaints against his administration.

A strange remedy for hunger—not food, but flogging.

This mode of redress was their last resort. The appeal to the Managers was ineffectual. They were dumb if not obdurate. The denial by gattling guns, was the exposure, the presentation of their sufferings to the people. Though denied and unpitied and beaten by the Managers, they shall be heard and will be protected by a liberal, generous, humane and charitable people and State.

#### COMPLIMENT TO GOV. STONEMAN.

The marked clemency of Governor Stoneman, instead of being a subject of complaint and reproach, ought to be a matter of the most sincere and hearty approval and congratulation.

In the light of recent developments, we ought to be most grateful to His Excellency for his unlimited pardons, thereby saving the State from useless expense; and his subjects from further contamination and starvation.

This is the reform that Democrats gave us; a condition of things so unendurable that even criminals with welts and hunger pray for reform and relief.



## JUDGE AMES' MANAGEMENT.

During the Administration of Judge Ames, whom the party in power treated like a bandit, there were no cries for bread, no piteous appeals to present their miseries to the Directors of the Prison, and no merciless orders on the part of the Board, nor shocking punishments inflicted, but the universal testimony on the part of the prisoners was this: they were well fed: hard, but not severely worked, and well disciplined and cared for.

What is the cause of this strange and before unheard of action of the prisoners?

I. Does it arise from the incompetency and disqualification of the prison officers?

II. Or has the State failed to make proper allowance for their support?

## APPROPRIATIONS.

Let us examine the appropriations of 1885, last year, and see if they are insufficient and niggardly?

The Statute allowance for the support of the inmates of San Quentin for two years, was three hundred and twenty-nine thousand (329,000) dollars, and fifty-eight thousand (58,000) dollars more to buy jute and provide a working capital for that institution.

There was appropriated for the support of the prisoners at Folsom for the same time two hundred and twenty-seven thousand (227,000) dollars.

There seems to be no parsimony in this allowance, and no occasion for sour bread nor rotten beans, nor starvation.

## COLLOSSAL APPROPRIATION.

The entire allowance for two years made at the last regular session of the Legislature for the support of prisoners for transportation and arrest of prisoners, including a deficiency of one hundred thousand dollars, and twenty-seven thousand dollars for an iron roof at Folsom, was the enormous sum of seven hundred and seventy-six thousand eight hundred and sixty-two dollars and twenty-one cents (\$776,862.21.)

## TAXATION ON THE INCREASE.

The State tax in 1884 was 45 cents and 2 mills on the

100 dollars. The State tax in 1885 was 54 cents and 4 mills. The State tax in 1886 is 56 cents.

Bankruptcy seems to be impending for the people, and crime seems rising like a flood in the State, and the criminal element, in and out of the Penitentiary, appears to be in the ascendancy.

The prodigality and defalcations in State departments and public offices are alarming.

Do the prison managers possess the requisite qualifications for discipline or reform?

I. Prison officers should have more of high moral principles and be distinguished for habits of industry, order and cleanliness, and also be men of experience in this difficult and important work.

II. They should be men of a just and steadfast purpose, free from prejudice and partiality, of sterling and incorruptible honesty and untiring vigilance.

III. They should be men of strict sobriety, of decision and energy, and of humane and benevolent feelings, and should have a sincere interest in the welfare of those over whom they have control.

Said Sir Frederick Hill, the distinguished philanthropist and inspector of Scottish prisons: "I attach great importance to the selection and appointment of prison officers. Indeed, its importance is, in my opinion, paramount."

With prison officers of the foregoing qualifications there would be no shrieks from hunger, no order to scourge.

#### COST OF SUPPORT AT THE ELMIRA, NEW YORK, REFORMATORY.

This is a prison with its workshops and academy.

At this prison there is a school where all of the prisoners are taught all of the English branches. The cost to the State for the support of convicts in this institution, with its school, printing press and workshops, its system of labor and study, both compulsory and under strict rule, does not exceed forty dollars a year for each prisoner.

Many of the Eastern prisons are so managed that they are self-supporting.

A thorough change and reform is required in the management of all of the jails and prisons of the State, so that evil results may be avoided and good results obtained.

## PARTY FEALTY.

The Republican party has shown great skill and met with great success in the administration of the Government.

No other political party has exhibited so many evidences of wisdom, patriotism and ability. No other party has so little to regret and so much to be proud of in men and measures.

And although our great leaders Lincoln, Grant, Garfield, Baker, Miller and others have gone up higher, still they have bequeathed their example and principles to us and left their impress on nation and party and made both immortal. We now bow at the shrine of that party which is consecrated with their spirit and their services.

The whole history of the party is studded with brilliants of noble men, lofty principles and grand achievements.

Let me advise you to give a cordial support to all of the candidates of that party that has sustained the flag and preserved the Union in whose hands the destinies of the Republic have been safe.

May the Government be so administered that our country may continue to occupy her present lofty position among the nations of the earth—

The hope of all who suffer,  
The fear of all who wrong,

blooming in perpetual youth until time shall be no more.

27

ON THE SUBJECT  
OF  
REVENUE AND TAXATION,  
IN THE  
ASSEMBLY OF CALIFORNIA,

FEBRUARY 25TH, 1880.

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BY THE  
HON. C. HARTSON.

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This Speech is published at the special request of those  
who supported the important principles  
advocated therein.

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Assembly Bill No. 404 was taken up March 1st, 1880. Read third time. The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Anthony, Bass, Bennett, Brooks, Brown of Sonoma, Brown of Yuba, Bruner, Brusie, Burns, Carr of Sacramento, Carr of Yuba, Chamberlain, Chandler, Cook, Cooper, Corcoran, Cuthbert, Del Valle, Estey, Finlayson, Fraser, Frink, Garibaldi, Gaffey, Gorley, Green, Hardy, Harris, Hartson, Hershey, Hynes, Josselyn, Lane, Leach, Leadbetter, Levee, Maguire, Mathews, May, Maybell, McCallion, McCarty of Lake, McCarthy of San Francisco, McComas, McIntosh, Morse, Mulholland, Pickett, Sayle, Simon, Sherburne, Spencer, Stanley, Stoddard, Streeter, Sweetland, Walker, Ward, Wason of Ventura, Wattson, York, Young, and Mr. Speaker—64.

NOES—Messrs. Camron, Coleman, Downs, Messenger, and Nelson—5.

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H. A. WEAVER, PRINTER,  
237 J STREET, SACRAMENTO.

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## ERRATA.

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Page 23, twenty-first line from top, for "deluge," read "delude."



# REVENUE AND TAXATION.

I RISE under deep feelings of embarrassment and regret, inspired principally by the painful reflection that in the advocacy of this great constitutional measure I am in conflict with the wishes of many highly esteemed friends in and out of this House whose good will I crave, and for whose opinions I entertain the highest respect. Nothing but a strong sense of duty and a clear conviction of right has impelled me to take so decided a stand, and maintain it with whatever of vigor and ability I possess. Many know from their own personal experience how hard it is to resist the appeals of friendship, cemented by many years of close and friendly business relationship.

WENDELL PHILLIPS,

Some years ago, said that "it was the highest test and proof of a boy's courage to dare to differ from his father." We have here learned, in the crucible of legislation, that there are other things that test one's endurance and courage.

Dispassionately, I wish to enter upon the consideration of this grave question. Calmly and intelligently, unaffected by friendship, by interest or by passion, considering myself amenable to the law and to the people for the words that I may utter, and for the vote that I shall cast on this most vital measure.

## RENEWAL OF THE CONTEST.

The people had a right to believe that by the ratification of the Constitution, by the verdict and solemn judgment of the people, expressed in the form of constitutional law, that their rights would be secure, and that this verdict should remain to them as the rainbow of promise until this session of the Legislature; when all of their just expectations and hopes would be realized in generous fruition.

The whole State is now looking to us with hope and expectation. We cannot afford to disappoint those hopes, nor dash to the ground

those expectations. It is a rash experiment to offer the people stones for bread, or serpents for fishes. As for me, I cannot, I dare not make the tender. Let such an undertaking be for those having different views and different purposes from those entertained by the friends of equal and uniform taxation.

THE HISTORY OF THIRTY YEARS—THE EQUILIBRIUM OF 1850 RESTORED  
IN 1880.

The early periods of the history of this State were the golden periods, when none were what we now call rich, and none absolutely poor. At that time there was a degree of equality and independence in hope, expectation, ambition, and energy, and in business and social standing now unknown. Then the social and financial scales, subject to slight oscillations, remained in a state of equilibrium. Then there was a law on the statute book that the wealth of all should be made to support that Government from which it received its protection. Then the property of all was taxed alike. Then there was no favored class exempt from the operation of a law that should have been uniform in its operation as well as in its principle. Then, in the very beginning of our history, by universal consent, there was enacted a law that wealth in all of its diversified forms should be taxed. That credits, notes, dues, stocks, and bonds should be subjected to the same rule as herds and lands, and all tangible property.

CAUSES OF A CHANGE.

Since that era, in some cases by the display of great energies and foresight; in some cases by the fortuitous combination of causes; in some cases by accidental purchases and accidental holdings; in others by accidental mineral discoveries, colossal individual and corporate fortunes have grown up.

Now the equipoise of the social and financial—and as a consequence the judicial—scale is much disturbed, and general comfort and general prosperity no longer abound. We now have two distinct and widely separated classes; the one representing great wealth, and the other great poverty. The scales have changed to correspond with the changed condition of the people. One arm of the scale has risen high, and the other arm is correspondingly depressed. One side of the scales now represents opulence and power—and too often exaction—the other side of the scale represents penury, distress, and too often slavish submission.

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COURTS, LAW, AND STATUTES FOLLOW THE CHANGE.

Times have changed, and with these changes come corresponding changes in statutes, in law, and in judicial decisions. Our political history, our statutory changes and judicial history are a reflex of our social and financial life and history. With the advancement of wealth and consequent power, step by step, and year by year we witness its encroachments and triumphs. The despotic power of accumulated millions has been seen and felt in the forum, in the Capitol, and in the Courts, overthrowing the early State policy, and imposing intolerable burdens upon those least able to endure them. This vitiated state of public sentiment produced the memorable and unfortunate decision in the Hibernia Bank Case, wherein it was decided that notes, dues, credits, bonds, and stocks, and everything pertaining to this class of wealth, were not property, but the shadow or representative of property; that nothing was property but tangible property, and that to tax both classes: tangible property, and notes, bonds, and stock, was double taxation, and ought not to be and would not be sanctioned or allowed by the Courts.

## FATAL DECISION.

By this fell adjudication, the value of one half of all of the wealth of the State for the purposes of taxation was blotted out, and upon the remaining half was imposed the grievous charge of defraying the entire expenses of the Government. This decision administered great comfort to one class, but brought desolation and ruin to the other.

## REAL ESTATE.

The landed interests of the State were crushed and shunned, owing to the superincumbent pressure of taxation. This great oppression of the rural districts and landed interests caused a destruction of industries and a paralysis of enterprise. In this conflict of elements the laborer was wrecked and left without friends or support. Then revolution with her gory mantle was seen in the near distance.

## THE TIN PEDDLER.

As incredible as it may hereafter appear, the time had come in the history of this State when a tin peddler, with his pack of tin cups and tin pans on his back, was paying more tax and contributing

more to the revenues of the State, (providing he was taxed at all,) than all of the bondholders of San Francisco on their bonds.

#### THE WASH TUB.

As startling as it may hereafter appear, though the time had come, and the early, equal, and equitable laws of 1850 had been so ruthlessly changed that the widowed mother who spent her days over her wash tub, and her nights in stitching together the tattered garments of her children, paid more tax on her leaky tub and her half fed cow than the Bank of Nevada and all its baronial proprietors on their ten millions of dollars of paid up capital bank stock, and on their fifty millions of dollars of mining stocks beside. The Legislature and the Courts alike had prostrated themselves before the nobility of wealth and prerogative, and had united in inaugurating a system as greivous to be borne as that of Egypt under the reign of the Pharoahs.

#### THE NEW CONSTITUTION.

During this long period of depression, despondency, and gloom, the New Constitution was generated, and with its new light came hope to all classes in the State. On its broad escutcheon were (engraved) impressed in letters of imperishable light, *taxation shall be equal and equitable*. All classes of property, including notes, bonds, credits, dues, mortgages, and stocks—all property, real, personal, and mixed—shall be taxed.

In the year of 1880, after thirty years of wanderings and departures, the people have reasserted their rights, and returned to the principles and practices of the first year of the history of the State: the era of equality and justice. The language of the New Constitution is clear, perspicuous, and both minute and comprehensive, and is as follows:

#### ARTICLE XIII.

##### REVENUE AND TAXATION.

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership: *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in the case of credits secure by mortgage or trust deed, for a deduction from credits of debts due to *bona fide* residents of this State.

By a large majority the people ratified the Constitution, and made it the irreversible law of the State. The time for debate has passed, and the verdict is rendered, and the judgment entered. From that decision there is no appeal. We are here assembled to enforce that judgment, under a mandate from the people. In conformity to that order and in the execution thereof, we have passed Assembly Bill No. 404.

The following sections are objected to, and the propriety and justice of their enactment controverted and denied, in their application to stocks and credits:

SECTION 1. Section thirty-six hundred and seven of the Political Code is hereby amended so as to read as follows:

Sec. 3607. All property in this State, not exempt under the laws of the United States, excepting growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county, or municipal corporation, within this State, is subject to taxation. First—The term "property" includes moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership.

Sec. 5. Section thirty-six hundred and twenty-nine of said Code is hereby amended so as to read as follows: 6. All solvent credits, unsecured by deed of trust, mortgage, or other lien on real or personal property; due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is President, Secretary, Cashier, or Managing Agent, deducting from the sum total of such credits such debts only, unsecured by trust deed, mortgage, or other lien on real or personal property, as may be owing by such person, firm, or corporation, to *bona fide* residents of this State. No debt shall be so deducted unless the statement shows the amount of such debt and the person to whom it is owing; *provided*, in case of banks the statement is not required to show the debt in detail or to whom it is owing, but the Assessor shall have the privilege of examining the books of such banks to verify such statement.

Sec. 8. Section thirty-six hundred and forty of said Code is hereby amended so as to read as follows: Section 3640. Corporations, associations, and joint stock companies having their principal place of business in this State, shall be assessed with the market value of their capital stock, after deducting therefrom the value of all property assessed to them [in this State or elsewhere, of which such capital stock is the representative], and such capital stock shall not be assessed to the individual owners thereof. The owners or holders of capital stock in corporations, associations, and joint stock companies, whose principal place of business is not within the State, must be individually assessed for such stock.

Thus we have provided for the taxation of all classes of property enumerated in the Constitution, and we have endeavored to administer and enforce the Constitution with intelligence, with strictness, and with fidelity.

#### DEBTS DEDUCTED FROM CREDITS.

We have, in accordance with the permit and power contained in the Constitution by Subdivision Six of Section Five of the bill under discussion, allowed a deduction from credits debts due to *bona fide* residents of this State. The adoption of the system of taxing the residue



remaining to the person assessed, after deducting debts from credits—that is, of taxing one's real wealth and worth—will relieve every business and enterprising man from a very onerous and unjust estimate of property for the purposes of taxation, and will stimulate all business, and all industries, and all enterprises; and, I trust, will meet with the favor of this House, and the approbation of all intelligent and fair-minded men.

#### STOCKS.

The Constitution as above quoted, makes it the imperative duty of this Legislature to assess the stock of corporations, associations, and joint stock companies. By Section Eight of this bill, above quoted, it is provided that corporations having their organization and place of business in this State, shall be assessed with the market value of their capital stock, less the assessed value of all their property in this State or elsewhere.

#### REASONS FOR ASSESSING THE STOCK TO THE COMPANY.

*First*—We can always find the company to assess it, when organized, and having its principal place of business in this State.

*Second*—If we attempt to assess individual stockholders, the unsophisticated and small stockholders will be always found, and the great stockholders, like Flood and others, will have convenient partners in Nevada or Paris, who will at once, as far as possible, become the exponents of all their taxable wealth; or they will be tempted to become non residents, and thus evade the law. To tax individual stockholders, would result in offering, as it were, a premium to individuals to take up their residence elsewhere, to avoid taxation. In my judgment it would be better not to enact any law at all than to enact one that reaches only the unsuspecting small holders of stock, and allows the large ones all to escape its reach.

*Third*—To tax the company itself will be simple and effectual and just, for the same law reaches and affects all alike, and imposes the same burden upon all stockholders alike. This system results in equality in taxation, and the other in inequality. The one system will bring much revenue to the State from the rich; the other system will bring little revenue, and that from those not rich—the middle and poor classes.

*Fourth*—If the assessment of stock be made against the company

itself at its market value, then it is easy to ascertain the residue, by deducting all assessments of real and personal property made against such company from the value of its stock. This method is free from complication, easily understood, and avoids all complaint, or even suspicion, of double taxation, and results advantageously to the State, and will work justly and equitably and equally among the stockholders.

#### THE VOLUNTARY GRIEF AND LAMENTATIONS

Of some who express doubts of the propriety and legality of assessing capital stock is worthy of passing notice. Let us inquire what is a corporation? "It is the creature of the law, having some of the powers and duties of a natural person." (*Sec. 283 of Civil Code.*) The articles of incorporation must show the amount of *its capital stock*. (*Sub. 6, Sec. 290, of Civil Code.*) Article XII, Section Three, of the New Constitution, adopts the same language, ("capital stock,") in contradistinction to shares of capital stock. This difference is recognized by the decisions of Courts and by legislative enactments.

#### TO ASSESS CAPITAL STOCK,

Is to exercise no new or doubtful power. This practice dates back to the primal statutes of this State. It is to-day the accepted practice in the principal States of our Commonwealth. It has been found a system of great convenience, great utility, and impartial justice. This system of assessment has been adopted in legislation, sanctioned by general and almost uniform practice, and ratified by the highest legal tribunals in the land. Let the disconsolate dry up their tears and vote for this measure.

Again, whenever the corporation is not located within this State, stock must be taxed at its market value, which is its cash value in the hands of the holder, if it is taxed at all; and we have so provided for taxing it. We submit that this system of taxation of stocks under the Constitution, whose mandate is imperative, is reasonable, is just, and is expedient. We cannot conceive any other method that will be so liberal and just and equitable to the stockholders, and at the same time fully and strictly comply with Article XIII of the Constitution. And who can complain of any inequality or injustice in this method? No man, or corporation.

## BILL NO. 404.

This is almost a repetition of the California Revenue Act of 1850, which is in the following language. (*See page 135 of Statutes 1850.*)

SEC 4. The terms personal estate and personal property, as used in this Act, shall be construed to include all household furniture, goods, chattels, and money; all moneys at interest owing to the person to be taxed more than they pay interest for, and other debts owing to them from solvent persons more than they are indebted for, and all public stock in turnpikes, bridges, insurance companies, and moneyed corporations, whether within or without this State; also such portion of the capital of incorporated companies liable to taxation on their capital as shall not be vested in real estate.

SEC. 7. The owner or holder of stock in any incorporated company liable to taxation on its capital shall not be taxed as an individual on such stock. (*Sec. 7, page 136 of the same Act, Stat. 1850.*)

## ILLINOIS.

The great State of Illinois, with its flourishing metropolis, abounding in companies, corporations, stocks, and wealth, has a law in many respects similar to the bill we advocate. (*See page 254, Statues of Illinois, 1871-2.*)

SECTION 1. *Be it enacted, etc.,* that the property named in this section shall be assessed and taxed, except so much thereof as may be in this Act exempted. First—All real and personal property in this State. Second—All moneys, credits, bonds, or stocks and other investments; the shares of stock of incorporated companies and associations, and all other personal property. Third—The shares of capital stock of banks and banking companies doing business in this State. Fourth—The capital stock of companies and associations incorporated under the laws of this State.

SEC. 3. (*Page 255.*) Personal property shall be valued as follows: First—All personal property, except as herein otherwise directed, shall be valued at its fair cash value. Second—*Every credit* for a sum certain, payable either in money or labor, shall be valued at a fair cash value of the sum so payable. Fourth—The capital stock of all companies and associations now or hereafter created under the laws of this State shall be so valued by the State Board of Equalization as to ascertain and determine respectively the fair cash value of such capital stock, including the franchise over and above the assessed value of the tangible property of such company or association. Said Board shall adopt such rules and principles for ascertaining the fair cash value of such capital stock as to it may seem equitable and just; *provided*, that in all cases where the tangible property, or capital stock of any company or association, is assessed under this Act, the shares of capital stock of any such company or association shall not be assessed and taxed in this State. This clause (*proviso*) shall not apply to the capital stock or shares of capital stock of banks, organized under the general banking laws of this State.

## NEW YORK.

New York, the center of trade and wealth and population, the chief city of the Western World, abounding in corporations and stocks (railroad, canal, mining, telegraph, and all others, in name too numerous, and in quantity too great to mention,) has the following law: (*Vol. 1, Revised Statutes of New York, page 932.*)

SEC. 4. The terms personal estate and personal property, whenever they occur in this chapter, shall be construed to include all household furniture, moneys, goods, chattels, debts due from solvent debtors, whether on account, contract, note, bond, or mortgage; public stocks, and stocks in moneyed corporations. They shall also be construed to include such portion of the capital of incorporated companies liable to taxation on their capital as shall not be invested in real estate.

SEC. 14. (Page 933.) The owner or holder of stock in any incorporated company liable to taxation on its capital shall not be taxed as an individual for such stock.

#### HIGHEST JUDICIAL DECISIONS.

The United States Supreme Court have not overlooked this question of taxing stocks, and have declared that they were taxable to the company or to the individual, or to both, at the discretion of the Legislature.

In the case of *Farrington v. Tennessee* (vol. 95, United States Supreme Court Reports;) the Court held that the capital stock and the shares of capital stock are *distinct things*. \* \* \* It is subject to taxation like other property. The shares of capital stock are usually represented by certificates. Every holder is a *cestui que trust* to the extent of his ownership. The shares are held and may be bought and sold and taxed like other property. The capital stock and the shares may both be taxed, and it is not double taxation. The bank may be required to pay the tax out of its corporate funds, or be authorized to deduct the amount paid for each stockholder out of his dividends. \* \* \* The capital stock and the shares of that stock in the hands of stockholders are different properties, and consequently distinct subjects of taxation. The exemption of the one is not of itself an exemption of the other, nor is the taxation of the one a tax upon the other.

I trust that all will agree with us that the system of taxation contained in Assembly Bill No. 404 is in harmony with the Constitution, is consistent with justice and reason, and is supported by the policy and practices of the great commercial States and marts of the Western Hemisphere.

#### WHAT ARE THE OBJECTIONS TO BILL 404, AND WHO ARE THE OBJECTORS?

The first proposition expressed in Bill No. 403 is in regard to double taxation, and is in the following language:

SECTION 1. Section thirty-six hundred and seven of the Political Code is amended to read as follows:

3607. All property in this State is subject to taxation, except property which, by the laws of the United States or the Constitution of this State, is exempt from taxation; but no property is subject to double taxation, or to be twice charged or assessed by the same tax, whatever be the manner or form in which the property or any right, title, interest, claim, or demand therein or thereto is owned, possessed, or held.

This clause was not prepared or inserted in the opposition bill by any friend of the New Constitution, and therefore deserves more than ordinary attention, careful inspection and scrutiny. The intention and purpose of this section, (if there was any purpose for its place in



Bill 403,) was to bring all of our enactments on revenue and taxation within the compass of the decision in the Hibernia Bank Case, which adjudged that bills, notes, bonds, and stocks were not property, but its shadows or representatives; and that there was no real property but tangible, and that nothing but tangible property was assessable or taxable to any one. Should this section be adopted, and the Court should repeat the decision referred to, there would be but little left of the New Constitution affecting revenue and taxation to consider. If such a result was not foreseen and intended by the author of this section, what rational purpose had he in view? It is unsafe to support a bill containing so insidious and dangerous a proposition. Was it not enough to have enacted laws in the usual form, declaring what property should be assessed, and how?

No former revenue bill of this State contains this siren language, these alluring words. In innocent and harmless appearances this bill is like the Trojan horse of ancient fame. And who can say that it is not as pregnant with hostile forces and armed enemies to the Constitution, in the character of Hibernian Bank decisions, as the instrument referred to was to Ancient Troy? Could such a bill pass, and the Court repeat the decision adverted to, we then would have a new edition of the stockholders and bondholders' millennium.

CERTAIN CREDITS, CLAIMS, AND DEMANDS TO BE DEEMED AND QUOTED  
AS AN INTEREST IN THE PROPERTY OF CORPORATIONS.

Section of Bill 403 contains the following clause:

Credits, claims, and demands due, owing, or accruing to *bona fide* residents of this State, for or on account of money deposited with any savings and loan corporation, or other corporation doing a banking business in this State, and stock or shares of stock issued by a corporation organized under the laws of this State, held by *bona fide* residents of this State, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property of such corporation.

By the last report of the Bank Commissioners we are informed that about seventy-three millions of dollars are on deposit with the various banks of this State. Should this Bill 403 pass, offering a premium of about two per cent to persons to deposit or to loan their money to banks, the sum would probably reach ninety millions. What clause in the New Constitution exempts banks, or those whom the banks owe, from the rule applicable to all others? Why give the money loaner acquittance from his tax of about two per cent if he will loan to a bank, (called depositing in a bank,) and perhaps a rotten



bank at that, or a bank that will withhold one third or one half of the interest received, and spend it in speculations or the riotous living of its managers? Why make others pay a premium of two per cent. to the money loaner to keep his money out of legitimate industries and enterprises, and loan it to no one but a bank? And, what is worse, make that class from whom the money is withheld pay the premium? Supposing that some confiding individual, after depositing ten thousand dollars with the Nevada Bank, should go to Mr. FLOOD and tell him that he must be deemed and treated as having an interest in the Bank of Nevada! Mr. LOUIS McLANE would probably inform him that for one purpose he had an interest, and that was to escape taxation; but if any one should be so simple as to claim it for any other purpose he would at once be accommodated with assistance to the other side of the door.

#### WHO COMPLAINS?

Who asks to have such a clause inserted in our statutes? Does the request come from any one of the ninety thousand who voted for the New Constitution? From what source do these propositions emanate? Most assuredly from some one that did not support the New Constitution, and who now ignores its clear terms and its very existence. It is too late now to dictate terms to this Legislature, as the Constitution must be its guide.

#### BANK DEPOSITORS.

This bill does not come from depositors. No depositor has petitioned this Legislature to violate the Constitution. No depositor has followed us to the committee room and insisted on the insertion of this clause. No; it is a very different class. It is done by those who live in princely style from depositors' money. This is the work of those who get

#### FAT SALARIES

From depositors' money, who handle even millions without giving one dollar's security or subjecting themselves to one dollar's liability. It comes from managers and directors thriving on others' earnings.

They (the bank managers) talk about the poor depositors, and seem much distressed about—not their large incomes, not their lucrative positions—but the poor depositor, whose *income* they are husbanding with so much care! They do not tell us of the number of rotten and

broken banks managed by MAHE, DUNCAN, and others, including PINNEY, who, according to reports well authenticated, were general managers of a large number of savings banks!

#### THE RIGHT OF OFFSET OF BANKS.

They do not tell us that banks can offset their debts against their credits, when the Assessor comes around. They do not tell us that those banks called savings banks, that have a paid up capital or reserve fund, or both, of three hundred thousand dollars, can loan on notes, bonds, stocks, or mortgages at their option, like commercial stock banks; that eleven of the principal savings banks in this State are untrammelled as any other bank in their management and system of business, as much so as the commercial banks; that heretofore all the losses to depositors have come—not from stock banks—but the so called savings banks; and that all can deduct their debts from their unsecured credits, and that all can so loan their deposits that the debts and credits will be equal, and not one cent of taxable property be found by the Assessor, arising from deposits.

#### A BRIBE.

It is related of Philip of Macedon that he found the difficulties to be overcome in conquering Athens so great that he resolved to bribe with gold a portion of its citizens to sell and betray their country.

The inducement held out to a large class of depositors, as we believe in palpable violation of the Constitution, so far as we know, has met no favorable response. Being friends of the New Constitution they have too much pride and principle to allow any paltry consideration to induce its violation.

#### AVOID PARTIALITY.

If a gratuity (a premium) is to be paid those having money to loan, why not let it accrue to the benefit of the farmer, and mechanic, the commoner? Why not enact that money deposited with or loaned to a farmer or merchant or mechanic, for the purposes of taxation, shall be deemed and treated as an interest in the property of such farmer, mechanic, or merchant, and not to be taxed to either party, as in the case of a loaner to a bank, for neither would pay? Could the purposes of this section be effected, nearly one hundred millions of dollars of taxable property would be blotted out, and that at the instance—not

of a single depositor—but of a Sacramento banker, who sent out printed circulars warning his patrons against voting for the New Constitution.

DOUBLE TAXATION THE ESSENCE OF BILL NO. 403.

The present assessment roll of this State contains something less than six hundred millions of taxable property. By Bill No. 404 that roll will be increased to more than eight hundred millions. To strike off the assessment of stocks and credits to the extent proposed in Bill No. 403, would reduce that roll at least

TWO HUNDRED MILLIONS.

This would relieve certain classes of property and persons to the extent of two hundred millions, and place that tax on other property and persons. The effect is this: that Mr. A, belonging to the favored class of money lenders or stock owners, escapes assessment and taxation altogether, and Mr. B, a farmer, a mechanic, or merchant, pays that tax—pays the tax of Mr. A. By this system the farmer and those of his class pays at least twenty-five per cent more than their share, and the privileged classes are acquitted to the same extent. This is somewhat like boys killing frogs: the fun is all on one side, and the suffering on the other.

While the advocates of Bill No. 403 stand with their mouths wide open denouncing double taxation, they are imposing it on the farmers and laboring classes in the most heinous form. The object of the New Constitution was to break up this *ring system*; and let its work be perfect.

CAMPAIGN SPEECHES.

It is refreshing to hear the opposition to this bill, in their zeal to obviate the legitimate and necessary construction to the language of the Constitution, with great apparent gravity quote at length—not the effusions of their own great lawyers and stumpers—but the words uttered by General HOWARD during the heat of the canvass preceding the constitutional election. The speeches of that campaign, with their exaggerations and predictions of bankruptcies and universal ruin, are still fresh in our recollection. What would be your opinion of the sanity of any man who should collect together the stump speeches of Mr. HOWARD, Mr. LANE, Mr. FITCH, Mr. BROWN, and others, and also the alarming declarations of the principal newspapers of the State, whose doleful predictions are still ringing in our ears, and

bind them all into books, and call those books commentaries on the Constitution! Can anything more unreasonable and more ridiculous be imagined? In all candor, let me ask if the author of such a book would not probably at once be charged with lunacy, and the production of the book alone be sufficient evidence to sustain the charge? With such specious and sophistical arguments some seek to affect and hold others' opinions and judgments and quiet others' consciences, while the Constitution is sapped and destroyed.

Why not tax loans to banks as well as to individuals? Why discriminate in favor of bank credits, which are bank dues, and bank loans? Why construe the Constitution as favoring or disfavoring any class? Why make one law for one person and another law for another? That is just what we are desired to do. That is just what we refuse to do.

#### CONSTITUTIONAL OATH.

The Constitution that we have sworn to support commands us to tax stocks, notes, bonds, credits, and all property. When I decline to obey the mandates of the fundamental law fairly and without evasion; when I depart from a course of rectitude and duty, from pusillanimous or cowardly fear or otherwise, may I have the manliness to leave this House, and leave it forever.

#### EVASION OF STOCK TAXATION.

We here insert some of the provisions of Bill No. 403 respecting taxation of stocks, by which the principle and the right to assess stocks are admitted, but the assessment so made that it becomes ineffective and nugatory in practice:

SEC. 8. Section thirty-six hundred and forty of the Political Code is amended so as to read as follows: 3640. A member of a firm must not be individually assessed for the property of the firm, nor any right, title, or interest therein; nor must a stockholder in a corporation, or a person owning or holding credits for money deposited with a savings and loan corporation, or other corporation doing a banking business, be individually assessed for the property of the corporation, or any right, title, or interest therein, except as hereinafter provided.

Also a portion of Section Eleven, same bill:

*And provided further*, that if all the property of a corporation which is subject to taxation is assessed, the stock issued by such corporation must be assessed to the owner or holder thereof only in the amount in which its market value exceeds its par value.

In order that banks and other corporations might both escape taxation together, they have been joined in the same sections, so that they might by association of forces mutually relieve and support each



other. The same powerful combination that opposed the formation and the ratification of the New Constitution are again co-operating to escape its legitimate compass and effect. And if this combination succeed, and enact that stock can be assessed to the owner or holder thereof only in the amounts in which its market value exceeds its par value, they will then through this Legislature for this year have accomplished what they failed to effect in the Convention and constitutional election; that is, defeat the principle of equal and uniform taxation in its practical effect.

This bill only taxes when the market value of stock is greater than the par value, and then the difference. What stocks are above par value to-day? And if, perchance, there could be found any stock in that happy condition, by the declaration of dividends the stock would be reduced to or below par to-morrow. Under such a bill what mining stock would ever be taxed one farthing? What railroad stock would be subject to taxation under such a measure? The most that could be said for such a bill is that it would establish the principle of taxing stocks, and defeat the just ends. Not one cent of revenue would ever be raised under the provisions of this most extraordinary bill.

#### WHY NOT TAX DEEDS, AS WELL AS STOCKS?

We are often told that you may as well tax deeds as stocks. Who imparts to us this important information? Is it some person that voted for the New Constitution? No. We have not heard any complaints of this kind from any one of the great number (about ninety thousand) that voted for the New Constitution. They all wish us honestly, squarely, and fully to carry out the New Constitution in letter and spirit, hit whom it may, and regardless of the protests of power and prerogative. Why should a deed be taxed the same as stocks? What analogy is there between stocks and deeds? Deeds are not bought and sold in the market. Stocks are the subject of daily sale and purchase. Deeds have no intrinsic value; stocks have. The purpose and effect of a deed is to pass, to convey title of realty, as from A to B, as a bill of sale does personal property; or as transfer wagons do property from place to place. It is as irrational to talk of taxing deeds, to reach the property conveyed, as it would be to tax bills of sale to reach the property sold or transferred.

Again, the Constitution does not enact that deeds shall be taxed, but it requires and commands that stocks shall be taxed, and who shall gainsay or defy it?



## WHO ARE THE OBJECTORS TO BILL 404?

Those who count and measure and multiply their rights by dollars, their privileges by stocks, and their immunities by bonds. To this class do not belong those in whose hands money is a benign power—the highest blessing. Money in the hands of some develops the most manly and noble character; stimulates the loftiest purposes, the most benevolent sentiments, and the most philanthropic acts. This is not the class that object to equal taxation. This is not the class that have pressed this Legislature to forego the strict enforcement of the provisions of the Constitution. This is not the class that have sought to have their property and their business relieved from the burdens of government, and to have those burdens unjustly and unfairly imposed on others. The mining companies, the banking companies, and the railroad companies, are united in the work of forestalling what we conceive to be the just and fair and equal operation of this law fundamental, right and imperative.

## RAILROAD.

Undoubtedly to the fearless resolution, to the bold adventure, to the grand work, and to the lofty and comprehensive policy of Governor STANFORD and his associates, the State is indebted for its magnificent system of railroads, reaching from Oregon to Arizona, and from the Pacific to the Wasatch Mountains, with its untold facilities and its vast contribution to the industrial and commercial wealth of this State. Let no one underestimate the great and useful work of these distinguished men. Yet, while they have contributed much to the growth and wealth of the State and Nation, the State and Nation have not been unmindful of them, their enterprises, and their interests. The various counties of the State and the State itself have poured millions into the treasury of this company to make the members thereof strong and powerful—but not masters.

The largesses from the General Government to this company have been so vast as to run high in the tens of millions, and there is but one other grant so enormous in the whole history of the Republic. There is no just reason why there should not be, on the part of this great corporation and all others, complete submission to constitutional law. I would not allow any high merit on their part, or high personal esteem on mine, to relieve them from the equal application of the law, or from the common burden of taxation. I would strictly

and stringently enforce on all alike the system of taxation provided in the Constitution.

#### THEY WILL FLEE BEFORE TAXATION.

Said a gentlemen on this floor, if you tax the stock of companies, they will leave the State; they will not submit to taxation. Some capitalists have already left the State and gone to Chicago and New York. Does any one think that they will escape taxation by going to the City of Chicago, so recently laid in ruins by the great fires? And in a State where "all moneys, credits, bonds, stocks, and other instruments, and the shares of stock" are taxed, and in the case of banks, both against the bank and against the shareholder? Will they get relief by going to a city that has taxed these worthless mining stocks at their pretended par value? What gratification or especial pleasure our capitalists may find in going to the home of TWEED, where he has built up colossal debts for them to pay, I cannot conceive. When they learn that notes, bonds, and stocks are taxed; and that the liberal deductions made in Bill 404 are not made in New York, it may cool and refresh the gentlemen who seek relief in other parts from taxation to which they have been strangers here.

The section in the New York law affecting deduction from the value of the capital stock reads as follows:

"The term personal estate and personal property shall be construed to include such portion of the capital of incorporated companies liable to taxation on their capital as shall not be invested in real estate." Further: "The owners of stock in any incorporated company liable to taxation on its capital shall not be taxed as an individual on such stock."

In this State, by Bill No. 404, we deduct from the value of the capital stock not only what is invested in real estate, but we go further and deduct also all personal property, in ascertaining the assessable value of stock.

In Illinois this method of assessing stock is the same provided by Bill 404, and they deduct from the value of the stock the assessed value of all tangible property. We go further; we deduct not only tangible property, but intangible also, such as notes, bonds, and other securities. We fail to discover any relief arising to our sorely oppressed capitalists by fleeing to the city of great fires, great

losses, and great taxation; or to the city distinguished for TWEED's great conquests and marvelous encroachments on the funds of the City Treasurer. Gotham is greatly in need of replenishing her treasury to the extent of one hundred and thirty millions, and our abused capitalists will have a hearty reception there; and all of their notes, bonds, and stocks will be carefully listed and thoroughly taxed on their arrival.

SAYS SOME WEAK BROTHER, CORPORATIONS WILL NOT PAY.

You cannot collect it if assessed against the company. Why not? Because they will not pay it, and you cannot enforce the assessment, says the objector. We assess the corporation now on all of their real and personal property. When this assessment is made, no one disputes the propriety or policy because they will not pay. Under the law they are assessed, and by the law that assessment can be enforced and collected. An assessment and tax becomes a debt in favor of the State and against the party assessed, and now we waste no time in suits and in the law's delays. A few years ago, if a party owing a certain amount of tax did not pay he was sued, and a judgment was taken against him, and an execution was issued, etc. What reason is there why we shall not enact such a law again if they will not pay, and first

SELL OUT CORPORATION EFFECTS.

And next the stockholders' effects in like manner as with other claims against corporations? If they decline to act the honest part, it is not difficult to make them honest. Should most of these companies now sucking the life blood of community burst up and beat an execution by flight, our community can rejoice—give them a benediction as they go.

THE IRREVERSIBLE RULE.

The rule of taxation in the two great States mentioned, and in nearly every State in the Union is in harmony with our Constitution. The mandate to tax credits and stocks is engraven in the Constitution in unmistakable language. In this respect our law to-day is the same that it was before the enchanting wand of wealth produced its bitter and rotten fruit. Such was natural justice before the dazzling light of capital and corporations gleamed upon it, with its delusive, fascinating, and bewitching sorcery. Remove the charms of prerogative

and power, and the meaning of the words "stocks and credits" will be so simple and so plain that even a wayfaring man would not mistake it.

So far as I am concerned I have no trouble in so construing that language as to tax all credits, all stocks, and all property. I am decidedly, in favor of rolling back and off the industries and lands of this State and back on the bondholders and stockholders, the great burden of taxation that belongs to the latter classes to bear. I came here to do a great constitutional duty. I promised the suffering men and women of my home, when elected, that I would stand up for their rights against power, and wealth, and prerogative. I am here by my voice and vote to fulfill that promise. My judgment approves this measure; and the work done for its accomplishment is the work of my hand and my heart as well as of my intellect.

#### FAILURE NOW IS A CALAMITY.

We cannot afford to fail in the enforcement of any of these important constitutional principles even temporarily. There is no safety if one of its great principles is disregarded; for this leads to and justifies the disregard of all of the other provisions. The whole instrument should remain entire, unsullied, and impregnable. Let the siege be once successful; let a permanent breach be made in its constitutional ramparts, so as to admit the enemy within the walls, and we can with lasting regret adopt the sad expression of the great commoner and statesman O'CONNELL on the defeat of an important measure—

Last year we watched at its cradle:  
Now we follow its hearse.

#### MINING COMPANIES.

There are two classes of mining companies. There is a class of meritorious, well managed, and dividend paying mines; as this class do an honest and legitimate business, they ought not to be opposed to an honest and legitimate tax. The second class are stock gambling companies.

#### STOCK GAMBLING DENOUNCED.

I propose now to consider those mining companies without merit, without values, without reasonable expectations or genuine character. The mining stocks of the latter class have, by the various arts and



appliances of the trade, a fictitious and false character. These companies conducted by human vultures are permitted by our laws to organize and wear the panoply of state in the marts of trade, and in our great metropolis of wealth, population, and commerce, and impose their glittering, delusive, and worthless stocks upon the trustful and confiding. They not only establish their swindling companies under all the forms of law, but they receive the protection of the State while carrying on their deceptive, destructive, and nefarious pursuits. By law these stock jobbers are afforded the opportunity to enrich themselves at the expense of the hopeful, the imaginative, and the confiding. The great majesty of the State gives them security in their ignoble pursuits, and why should they not pay for these privileges, laws, and securities? I might, with more propriety, ask why the State should not be protected against these human cormorants, against these parasites gnawing at the great tree of social and business life?

#### WHAT PEN CAN PICTURE,

And what eloquence of tongue portray the dire result of this traffic in stocks? What demoralizing and ruinous effects follow in its train? What sudden expansions and sudden contractions occur by which the unsophisticated are ensnared and ruined, and the coffers of the managers filled? What sudden shocks, frights, panics, and depressions attend stock manipulations and stock deals, followed by widespread disasters and bankruptcies? See what a havoc of health, of comfort, of fortune, and happiness succeeds these piratical stock deals and stock swindles. How many of its pale and wan victims daily present their wasted and wretched forms in our streets? How many premature grey hairs and premature graves? How many crushed and broken hearts and blighted lives? How many have sought to hide their calamities and misfortunes in the intoxicating and oblivious cup, the cup of death? How many homes have been visited with destitution, want and misery? How many have sought relief from intolerable life in the sad grave of the suicide? All, all victims of this accursed traffic. The great day of retribution alone can reveal the woe and wretchedness of the hell of stock gambling. And we are gravely asked not only to tolerate, but to relax the operation of the law, so as to encourage this system of wholesale robbery and destruction. It is proposed that those engaged in legitimate industry and trade shall be taxed, but that the pirate



on our commerce may practice his illegitimate calling under the protection of the law without contributing to its support, and without sharing in its burdens.

#### A HALT DEMANDED.

It is full time that the stock gamblers should be brought to a halt in their merciless career by the rigor of the law, and if this bill discovers and discloses their real vileness and worthlessness, and should become a scourge and drive these sons of Satan from their fastnesses down into the great sea whither their progenitors sought refuge, its passage will be hailed with delight, and those who support it will receive the plaudits and benedictions of a grateful people.

#### OUR GREAT DUTY.

The duty imposed on us is to see that the Constitution is fairly construed and strictly enforced. To whom can the people look for protection in case we decline to fulfill our mission here? The adoption of this Constitution gave great tranquillity to the State. The great popular unrest was quieted by the anticipation of relief through this Legislature. Let us not disturb that tranquillity, but place it on a permanent basis. The only protection of the people against the undue influence of encroaching wealth and greedy, sordid power with their sleepless agents, ever present to deluge and ensnare, is in preserving this Constitution intact. This Constitution is the people's protection, their defense against arrogance and artifice and power. We believe that the bill now under consideration, supported by a majority of the Committee of the Assembly, is in strict compliance with the mandates of the Constitution, and that by it the people's rights will be maintained.

#### PASS THIS GREAT MEASURE.

It will restore confidence. It will revive industries. It will stimulate commerce. It will cause money to return to its normal and accustomed channels, promoting useful enterprises. It will bring back prosperity to the whole State. Under equal laws and equal burdens unity, peace, and brotherhood will return. Let us stand for the right, for justice, and for constitutional law, and untold progress and happiness will follow. How can we—how dare we—go home and tell our constituents that we were dazzled by the meteoric

showers of gold, and could not see, or that we were enchanted by power and prerogative, and were bewildered and lost; or that we were magnetized by some unknown hand; that reason was dethroned, and that we failed to support the people's cause in this their great extremity. Vengeance will surely come if we disregard a plain duty, and in all of the walks of life, in its long and dreary future, we will feel the scorn and contempt of those whose trusts have been betrayed; and worse than all else, in our secret heart we will feel that it is deserved. I do not believe that the people will be baffled and beaten. If beaten to-day, they will soon rise again with renewed strength and resolution, and through more faithful representatives rescue their Constitution from defeat and reproach. Under any and all circumstances this great and useful measure shall receive the sanction of my unqualified approbation and support.

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"CAST OFF THE GANG-PLANK AT CASTLE GARDEN."

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SPEECH

OF

HON. GROVE L. JOHNSON,  
OF CALIFORNIA,

BEFORE THE

COMMITTEE ON IMMIGRATION AND NATURALIZATION

OF THE

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WASHINGTON, D. C.  
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Mr. Chairman: I shall discuss the various bills, particularly the one that I have introduced, H. R. No. 28, "A bill to protect the American laborer from unfair competition and to prevent foreign born laborers from coming to the United States," now pending before your committee, as a question, not affecting immigrants to this country, but as one directly concerning the welfare of the United States. We have recently, without distinction of party, affirmed our devotion to and belief in the Monroe doctrine. We did this not because of the love we bear the Central or South American republics, for their treatment of us and our citizens sojourning within their limits has not been such as to create a loving feeling on our part towards them; but in order to protect ourselves, because we realized that to permit European principles to interfere in their government would necessarily injuriously affect this country. So to-day we all ought to be in favor of restricting and prohibiting immigration into the United States, not because we hate any person or country on God's green earth, but solely to protect ourselves against the invasion of those who do us harm morally, socially and politically. In asking you to favorably consider my bill, I represent not merely myself, but, as I think, the people of our nation. The Northwestern Immigration Convention, held last winter in St. Paul, passed strong resolutions in favor of restricting foreign immigration. The Republican State Convention of Pennsylvania passed strong resolutions endorsing the bill introduced by Representative W. A. Stone. The Republican State Convention of California, of 1894, adopted as part of its platform, the following resolution:



"The American protective system, as enunciated by the Fathers of the Republic, has been carried into full effect by the statesmen and the voters of the Republican party of the nation. Our party has alike protected the manufacturer and the laborer that produced the goods that were protected. We believe that the American laborer is entitled to more protection than the products of his skill and ingenuity. We believe that the time has come when the nation must take a firm and decided stand against the incursion of the underpaid and ignorant laborers of the Old World that are flocking here now in such numbers as to drive the American laborer from his work, with the inevitable result, as seen at the present time, of causing disturbances in the manufacturing centers of the nation, reducing the price of labor, breaking up happy homes and prosperous business. We demand the enactment and strict enforcement of such laws as will absolutely and effectually prohibit the immigration of all foreign laborers, both skilled and unskilled into this country." Upon that platform the six Republican congressmen from California were elected. Hence I speak today, not only for myself, but as a representative of 125,000 Republican voters of the state of California.

This however, is not a party or a partisan but a national question. The Republican party has as a basic principle, the doctrine of protection to American industries. We have claimed that by protecting the manufactures of the country, we have built up our nation and given employment to the American laborer. The Democratic party, whether it has announced itself in favor of Free Trade or a Tariff for Revenue, has always claimed to be par-excellence, the friend of the laborer. It has accused the Republicans of favoring the manufacturers and not the workmen. I have sometimes thought that there might be some force in the accusation thus made against the Republican Party and that it had not always labored to protect the laborer while protecting the products of his labor. To the end that this accusation may be robbed of any force and the further end that the principles enunciated by the Democracy, that it favors the American laborer and desires to advance his interests, and to the further end that the principles of the Republican Party, which also claims to be in favor of the American laborer, may be carried into full fruition, I have introduced bill No. 28 to protect the American laborer.

The reasons given in the plank of the California Republican Platform, heretofore read to you, seems to me unanswerable. It is said there, "we believe that the American laborer is entitled to more protection than the products of his skill and ingenuity." This is good Republican doctrine. It is good Democratic doctrine. It is good American doctrine and ought to be sustained by all the people. There can be no question as to the power of Congress to enact such a law. It is expressly recognized by the decision of the United States

Supreme Court in the case of Lem Moon Sing vs. United States, decided in 1895 with reference to the Chinese Exclusion Act.

It being decided therefore, that Congress has the power to enact such a law, the only question remaining to be decided by your Committee is, is it necessary? To this I unhesitatingly answer Yes, and feel in that answer that I am sustained by a large majority of the American people. I may say in passing that I am in favor of the bill introduced by Representative McCall, providing for a literary test of immigrants, and regard that as good as far as it goes, but it does not go far enough. I am in favor of the bill introduced by Representative W. A. Stone of Pennsylvania, providing for consular inspection. It is good as far as it goes, but it does not go far enough. I am in favor of the bill introduced by Representative Corliss, of Michigan, providing for consular inspection and for using more care and caution in the admission of immigrants particularly from Canada. It is good as far as it goes, but it does not go far enough. All of these three bills should be recommended favorably by your Committee and will receive my support, but if all three were passed they would still not remedy the evil complained of. If the adventurous boy climbs the fence and makes an incursion into his neighbor's orchard ere the fruit is ripe and fills himself full of green apples and green pears and becomes sick in consequence thereof, it will be impossible to cure him by cleansing the unripe fruit or by having a horticultural expert certify that the green fruit is free from worms or disease, because if he still continues to eat the green fruit the result will be an internal convulsion, which will disturb not only himself and the family but may result in the early death of the promising youth. The only certain remedy which will be recommended by the family physician and enforced by parental discipline, will be the edict, "you shall eat no more green fruit." The experience of all of us as boys will confirm this statement.

Our nation resembles the boy of whom I have spoken. We have not climbed the fence which surrounds the orchards of other nations, but we have refused to build any fence around our national orchard, and have invited to our borders some of the greenest national fruit that it is possible for the earth to produce. We have partaken of so much unripe immigration that we are in a worse disturbed condition than any person could be from physical sickness. We cannot stand any more of this green material, even if it comes ticketed by every consul in every port in Christendom and able to read and write any of the foreign languages spoken on this earth. We must stop eating this kind of fruit if we wish to succeed as a nation. It scarcely needs any statistics to show the necessity of action, prompt and radical on our part. The facts are within the knowledge of all of us personally that justify, nay demand, the passage of this bill at our hands. We cannot, if we would, shut

our eyes to the sights that beset us on every hand, or close our ears to the noises that echo and re-echo from every quarter of the horizon.

We all know of the many strikes that have occurred lately of the workmen throughout the length and breadth of our land. We have all seen them personally in our respective sections. We know that these strikes have always been caused by the lowering of the wages of the workmen. I say here as a student somewhat careful of the history of our land and of the condition of the laboring men in America, studying as I have without prejudice or bias, the lives and interests of the workmen, the causes and necessities of their strikes; that the workmen in these strikes have usually been in the right, because they have usually, in fact nearly always, been fighting against the reduction of the daily pittance by which they support themselves and their families. Still I do not in any manner justify or endorse any violence and feel that any act of violence at a strike is an injury to the workmen and their cause as well as to the nation. While I can not in any manner justify the scenes that followed the strike against Pullman in 1894, yet it does seem to me that even there the workmen were in the right in the strike. These strikes have been usually, yes nearly always, unsuccessful. Search the records for the past thirty years of the strikes that have been ordered against low wages and in each the workmen have been sustained at times by public sentiment as expressed through public meetings and editorials in the newspapers, yet the record is nearly unbroken by a failure on their part to redress what they deem to be their wrongs. Their protests against the lowering of wages have resulted in their defeat because their places have been filled by foreign laborers brought here by the cupidity of the wealthy capitalists of the nation to take the places of American laborers.

I do not claim to understand all the various relations of labor and capital, or of laborer and employer, but I do claim to know that the bringing into this country of this foreign element, of these foreign ignorant laborers, has resulted in preventing the American workman from maintaining his rights, and has permitted the capitalists to lower the wages, because he has found his raw, unripe material from the Old World ready to accept low wages and to take the places of American laborers who were contesting the reduction of their pay.

Wages have steadily deteriorated in the United States. Why? As I believe, it has been the direct result of foreign labor competition. Mr. Stump, the United States Commissioner of Immigration, apparently does not agree with me in this statement, but the American workman knows it. The American workman thinks it is so. You may tell a man that his head does not ache or his finger bleed and you may prove it to him by mathematical demonstration or physiological lore but he knows for all that better than you do

whether the ache remains or the blood flows. So I say that the workmen of America know better than Commissioner Stump who sits in his office at Washington and writes his reports while they draw their weekly pay and steadily count the diminished amount on Saturday night, whether their wages having going down or not. In his report he shows that he is incorrect because from the answers he has published there, given by the men to whom he wrote, asking reply to this question, "What effect if any immigration has had upon the wages of labor or opportunities for employment in the United States, and whether or not the existing industrial condition of the country is attributable in any degree to the influx of laborers from abroad," I find that nearly all of the labor leaders to whom he wrote unite in saying that the wages of American workmen have steadily deteriorated by reason of the influx of foreign laborers into the country.

They also say that the foreign laborer stands ready to take their places in case of a strike and is always willing to cut the price of labor and reduce the wages paid in the United States. From the limited time at my disposal I cannot read the letters of these men, coming as they do from every state in the Union, all speaking in the same tones. I will, however, briefly extract some of the statements. Mr. W. G. Ballard, Portland, Oregon, says: "It is my judgment that it can be truthfully asserted without any fear of successful contradiction, that the large influx of alien immigration has been the greatest cause of the decline in the wages of the American mechanic. The American mechanic in trying to maintain fair pay for his labor has been driven from the field of labor by his foreign competitor who was always ready to take his place for less wages." He adds, "Scandinavians are now working in saw mills in Portland, Oregon, for \$1 and \$1.25 per day of eleven hours, whereas Americans were paid \$2 and \$2.50 a few years ago for the same work."

W. F. Bunce, Recording Secretary District Assembly No. 102, Knights of Labor of New Orleans, La., writes: "The constant influx of foreign labor is naturally and undeniably one of the chief causes of labor depression in this country at present. It is a well known fact that this importation of the lower classes of Huns, Slavs, and Italians, has been the principal cause of violence and dissatisfaction as every 100 immigrants necessarily force a corresponding number of United States citizens to either accept lower wages or go on a strike and join the already too large army of the unemployed."

E. H. Barrett, City Clerk, Bismarck, N. Dakota, writes: "Foreign contract labor displaces domestic toilers and breeds dissension. Political bosses can dominate and can control the foreign trash at the polls far easier than our own citizens. Corporations can swing them into line and aid their own interests so-called."



Edward F. Daley, General Secretary, Lasters' Protective Union of America, writes from Boston, Mass., that "The effect immigration has had upon wages of labor, in the shoe industry in particular, has been to furnish a supply of labor from which the employers could fill the places of the old hands who refused to accept reduced pay, or who might by strike or otherwise be trying to better their condition. In all such cases the immigrant labor has been willing to work on the employer's terms, and these terms invariably meant reduced wages."

John J. Hartmann, Whiteport, N. Y., writes: "I believe immigration cuts quite a figure at present in shaping wages in the cement industry, especially among the common laborers. Present indications point strongly toward a reduction of wages in the higher grade of work from the same source. The foreigners in the Whiteport cement region are chiefly Poles, Hungarians, Austrians, and a few Italians. Upon what these people do live an American would starve. Their abodes are everything except an American type. I hope to God no American will be compelled to live and slave as they do."

W. F. Harvey, Newburg, W. Va., writes: "The opportunities for employment have been reduced proportionately to the number of foreigners landed on our shores, wages have been reduced at least 20 per cent., directly and indirectly caused by the competition of foreign labor. The present industrial depression is due to said influx of labor."

I. D. Hayes, Dickson City, Pa., after speaking of the 30 to 50 per cent. reduction in wages in the coal mines of Pennsylvania, writes: "And now you would very likely ask me to give you my opinion as to how this lamentable condition of things has been brought about. But the answer is brief and simple; free and unrestricted immigration and 'lop-sided' legislation."

John B. Lennon, general secretary Journeymen Tailors Union of America of New York, writes: "Immigration has very materially reduced the price of labor, and the present outbreak of lawlessness in parts of the country is the work of such immigrants and not of Americans."

Mr. P. Ewald Jensen, Secretary Local Union No. 5, Journeymen Tailors' Union of America, of Chicago, writes: "The National Organization of the Journeymen Tailors of America, with a membership of nearly 20,000, is greatly hampered in its progress, by the influence in competition of the Bohemians, Poles; Italians and other south European immigrants. These people have proven themselves to be a most formidable factor in reducing wages by their inferior mode of living."

J. W. Mountford, Recording Secretary Lasters' Protective Union, Portland, Me., writes: "The effect that immigration has had upon the wages of our trade has been manifested the past year in several of the cities of this State where the



American workman has been discharged and foreigners hired in their place at a reduction of from 30 to 50 per cent."

And thus I could go on with letters from other cities and States and other kinds of business, all corroborating to the fullest extent, my statement that the American laborer and the American workman has been crowded from his place in the shop and mine by foreign laborers; his wages have been reduced by the same cause; and that whenever he has tried to redress his grievances or protest against the reduction of the pittance he receives for his toil, he finds these foreigners, alien to our institutions, our language, our customs, our thoughts, our desires and our freedom, more than ready to take his place at reduced wages, hive themselves in hovels like swarms of bees and laugh at the misery and degradation and poverty that the American workman and his family are compelled to suffer.

The remedy is not to sugar-coat the pill nor to inspect the unripe fruit nor to clothe it with a consular certificate, emblazoned with red tape and gold seal, but to say to these paupers of the Old World, "Thou shalt not enter into American fields of labor any more."

The lessons of the strikes with which we are all familiar, the testimony of these workmen and labor leaders, and our own knowledge of the industrial condition of the country demonstrates that we have too many laborers in the United States, too many men seeking employment, too large an army of unemployed tramping the country vainly asking for work, and that the supply of labor is greater than the demand for it. It also demonstrates that the race of American laborers and American workmen has nearly died out. We have boasted for so many years about our American laborers and the high wages paid to our American workmen that it has become too natural to us and has blinded us to the true state of facts. There are, Mr. Chairman, at the present time, I say it in sorrow, but very few American laborers in these United States, and their number is decreasing. You have heard the statements I have read to you from these men, who, by virtue of their position as laborers and labor leaders know whereof they speak and let me add a little more testimony from the same people.

Mr. Thomas J. Morgan, general secretary International Machinist's Union, Chicago, Ill., writes: "The International Machinists' Union of which I am general secretary, is composed almost wholly of foreign born mechanics, myself included."

Mr. A. J. Zoller of Jersey City, writes: "For years the immigration of Bohemians and Russian Jews has furnished the manufacturer of cigars a full supply of cheap labor."

Mr. Henry Hood, in the Forum, Volume 14, September 1892, page 114, says "that when a stranger visits the anthracite regions of Pennsylvania he sees a thousand idle Americans, and a like number of foreigners slaving for 80

or 90 cents per day. He sees the Americans sending their children to school, supporting churches, living in decent houses, trying to be cleanly and to wear presentable clothes. He also sees the scum of Europe taking the place of the former, content to swarm in shanties like hogs, to contract scurvy by a steady diet of the cheapest salt pork; to suffer sore eyes and bodies rather than buy a towel and wash tub; to endure typhoid fever rather than undergo the expense of the most primitive sanitary apparatus."

Mr. Stump himself, in his report, says: "It is not an exaggeration to say that during the ten years ending January, 1895, ten thousand immigrants have been given employment in Pennsylvania alone, gradually supplanting that number of miners who have found it impossible to live at the low rate of wages established by the immigrants."

He also says that "Foreign laborers who come and go between this country and their native country, 'birds of passage,' as they have been aptly termed, are a serious danger. He adds, "that a large number of those counted as immigrants have really been aliens who have come and gone (some only two or three times, some more than ten times) and who have taken out of the country the hoards, which a standard of living far below that of the American wage earner has made it easy for them to accumulate." He adds, "Intimately associated with the evil effects of the migration of the 'birds of passage' are those of the so-called 'padrone system.' \* \* \* The padroni still manipulate immigrant labor very much as they please, and it is thus still possible for a contractor to secure within a few hours any number of Italian laborers, skilled or unskilled, at wages 33 to 50 per cent. below the American standard."

He further adds, "In the shoe trade large numbers of Italians have been substituted for American workmen who were on strike."

These statements are corroborated by those of many others which I have not time to read. In addition let me call attention to the fact that you can walk through the streets of Baltimore, Alleghany City, Pittsburg, Cincinnati, and Chicago and find miles of streets where the signs above the doors and the names upon the houses are those of foreigners, and the language spoken is not English. Why as you go through the streets of some of these cities where manufacturing is carried on you will think you are in a foreign country and you will wonder regarding the speeches that are made about protecting the American laborer when that same so-called American laborer cannot speak the English language nor understand your remarks when you are declaiming as his special friend and champion. There is only one remedy and that is to prohibit immigration.

You remember the statistics that were cited to you a few days ago by the Immigration Restriction League of Boston, when they showed you that 14 per cent. of the immigrants in 1894 could not read their own language, 19

per cent. could not write their own language, and 77 per cent. had no occupation; that the immigration of these classes had rapidly increased and was still increasing; and that this immigration of foreigners had become such a burden to the country that although we had in 1890 but 17 per cent. of the total white population as foreigners that same 17 per cent. furnished nearly one-half of the white paupers in the United States. In addition a large portion of these immigrants belong to the criminal classes of the Old World and are dumped upon our shores by the money of the wealthy classes of Europe seeking to relieve themselves of bad people. Mr. Schulteis, the agent sent by the Treasury Department to Europe to investigate the immigration to the United States, says in his report made in 1893 that there are seventy societies in England to assist the criminal classes to immigrate to America. He gives a list of these societies and their offices and officers. In speaking of one criminal who had been assisted to cross the ocean and settle in Charlotte, N. C., he says that the secretary exhibited to him a letter from the immigrant, who "wrote of the difficulty he had in getting the money order cashed, as he could not find any one to identify him, so he forged the name of a merchant, taken from a shop sign, on a blank of identification and succeeded in getting the money. The secretary was amused by the sharp practice of the criminal, and told the story as an evidence of their success as a charitable institution."

Speaking further in his report of the classes of immigrants that had been permitted to come to the United States he says, "They believe the most extreme doctrine taught and are a menace to the republic. The chasm between capital and labor is wide enough now. We should guard against an invasion of such hordes, as we would against an armed host or a pestilence." The knowledge possessed by every man of the character of these immigrants, corroborates the statements of these officials. In my own State a couple of years since, we went almost hysterical over the escape of some Russian prisoners from Siberia and refused the requisition of the Russian government for their return as escaped criminals under the sentimental plea of giving asylum to all the poor of the world. Every one of these escapes turned out to be a criminal and a murderer. The last one Kovalof, in December 1894, murdered an old man and his wife in Sacramento and will soon be hung for his crime. We must protect ourselves in the language of Mr. Schulteis, against "An invasion of such hordes as we would against an armed host or a pestilence."

Inspection laws and requirements are of little or no avail. Mr. L. L. Alexander, Honorary Secretary to the Board of Guardians for the relief of the Jewish poor in England, says: "It is notorious that with all the stringency of the American regulations few are ever prohibited to enter." There is but one remedy and that is to cast off the gang-plank between the Steamship and Castle Garden and thus prevent the landing upon our shores of any more of

these foreign "birds of passage" or alien laborers who come here to take the bread from the mouth of American workmen. We must perforce keep what we have and try to improve them. If they are not polluted by the influx of others we may in time make decent citizens of them. Let us keep out every one who applies from now henceforth and thus we will rid ourselves of all undesirable immigrants. Every one admits that many of these immigrants are undesirable. It is absolutely impossible to sift the good from the bad because none are good. They are simply graded in badness. Shut the door tight against all is the only remedy.

The people see the necessity for action. Why do I speak so positively? Because the history of our country for the past 15 years shows that all its legislation has been intended to restrict immigration, not to favor or to increase it. No one has dared to advocate laws to favor the addition to our already over crowded labor ranks. On the contrary everyone has studied to devise some remedy for the existing evil and to stay the inroads upon the body politic of this cancer which is eating out its vitals. The appeals from County and State Conventions, from various leagues under different names, from nearly all the newspapers of the land, the introduction of such bills as those proposed by Congressmen McCall and Stone, and Corliss, the organization of such a body as the American Protective Association (of which I am not a member) all show the condition of the public mind, and are all directed to the exclusion of immigrants from the United States although additional remedies are suggested.

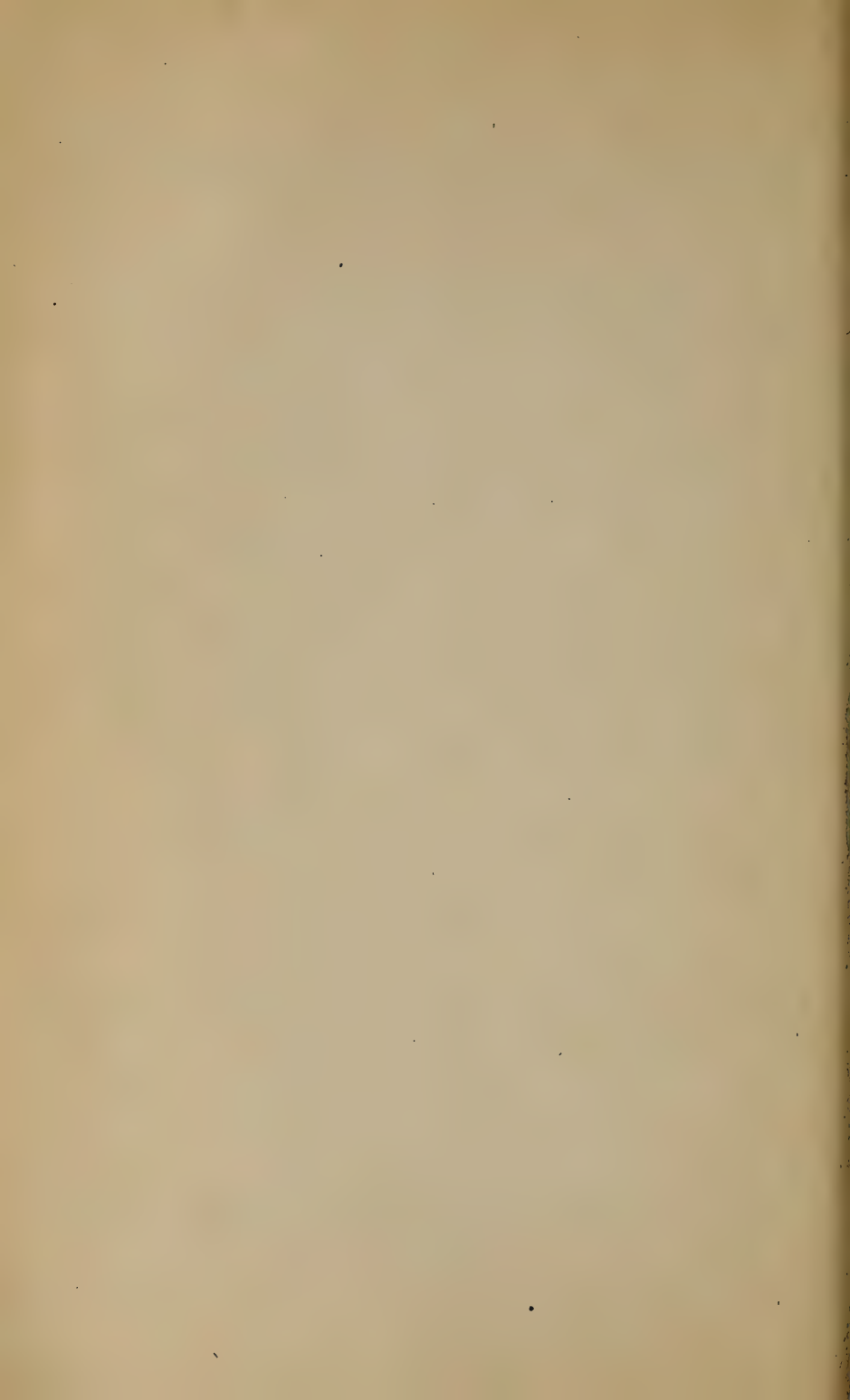
Every proposition, except the one I favor, is but a mere palliative intended to soothe the patient and to temporize with the evil. My bill is curative in its effects. It will forever stop the evil, cut off the supply of virus and restore to a healthy condition, the labor of America. It is the labor of the Nation which is its life blood. If we cure the blood we cure the body. We are under absolutely no obligations to the foreigners. They come here at their own risk. They are admitted to our shores solely as a matter of favor on our part. They must observe every rule we adopt. They have no rights that we are bound to respect. Any objection made to any of the bills offered to your committee on the ground that it will impose trouble or hardship upon an immigrant is farcical. We ought to impose hardships. We ought to make it difficult for them to enter America and in my judgment, we ought to absolutely prohibit them from coming. We ought to tell the truth to them. To announce to them that there is no market for labor in the East except by crowding the American laborer from his employment. We all understand that this immigration has been stimulated by the efforts of railroad and steamship companies, who have published alluring tales to the poor of the Old World, concerning the land of America, and we should proclaim the truth in regard to the land of America to these immigrants. We should say to them that there is none, or but very



little vacant land in America for a poor man. That although we have millions of acres unsettled, it is mostly land that cannot be cultivated without irrigation and that these circulars are false. We should say to them what is the truth, namely, that we do not need any more laborers.

It is our duty to legislate for America. We have a precedent for our action. Mr. Schulteis says in his report: "The Australian Colonies not only shut out paupers but foreigners who were not paupers and did so in direct defiance of the law of England, their home government. The answer made by the Premier of New South Wales, Sir Henry Parks, was, "I care nothing about your cobweb of technical law. I am obeying a law far superior to any which issue their permits, namely, the law of the preservation of society in New South Wales." Let us then obey the law of self-preservation. Let us protect our country, its industries, its labor and its laborer. So shall we protect as has been the policy of this nation from its inception, against unfair competition, not merely the products of labor but the brawny arm of labor itself. In this manner alone can the foundation of our country be made secure and its superstructure grand and powerful. Give us a law which prohibits the immigration of foreign laborers, lock the door at Castle Garden, cast off the gang-plank upon which these millions of paupers and criminals and laborers have passed from steamships to our shores and the united voice of all the people will endorse our action, and in years to come this legislation will be called the saving grace of the United States of America.









THE UNWISE AGITATION OF THE TARIFF QUESTION  
AT THIS SESSION OF CONGRESS.

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SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES,

TUESDAY, MAY 6, 1884.



WASHINGTON.  
1884.

THE GEN. JOHN BIDWELL  
HISTORICAL COLLECTION



## The Unwise Agitation of the Tariff Question at this Session of Congress.

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### S P E E C H OF HON. CHARLES A. SUMNER.

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On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. SUMNER, of California, said:

The effort has been made with great diligence and sometimes with considerable art, to have it appear that the cause of tariff reform is at this time inclusively and exclusively enfolded and expressed in what has come to be known as "the Morrison bill." But whenever that proposition is distinctly protested against, by those who have here as good a right to speak on the subject as any, the effort or intention is disclaimed; and we are told that after the bill shall have passed out of the Committee of the Whole with a favorable report, there will be opportunity to amend. This gracious suggestion—for such has been the form of the occasional response—has been given, however, in the last few days of the time within which general debate is limited. The fact of the lateness of the hour conjoined with the manner and style of delivery, contribute toward strengthening the natural and prevailing belief, that if this bill does go hence without an agreement to the fatal motion, it is probable that the successful endeavor of the management will be to secure its passage through the House in the precise mold and with every letter it now possesses. Besides, not all of us are wholly unaware of the momentum which a measure of this kind acquires by moving through the first stages of legislation unchecked; sometimes in this way gaining as it were a resistless energy of its own, which not all the earnest work for halting on the part of its authors and original advocates can avail to stay for a moment's further consideration. Therefore it seems to be unfortunately the fact that no other alternative is left to the members of this House, with respect to the question of legislation upon tariff at this session: we must support this measure as it reads, or be unable to give our affirmative vote for any other bill on the subject.

The situation is forced to this extent. Indeed, some of the champions of this measure have not hesitated here and elsewhere to proclaim in effect that we must sustain this bill, jot and tittle—or suffer the consequences!

Things personal as well as tables statistical, belong to this occasion. Of the latter, surely you have had an abundance—and that abundance often in fatiguing duplicate. And not merely personal opinion, but

faithful, direct representation of the dominant sentiment among our constituencies may now properly be set forth, and ought to be the subject of careful, deliberate, conscientious reflection.

In 1880 the Democratic national convention, assembled at Cincinnati, presented to the country a platform in which our party declared in favor of a tariff for revenue only. In order that there may be a clear and unmistakable understanding as to what this platform declaration and pledge imported, let the whole paragraph be read and heard at this moment. This is it:

Third. Home rule; honest money, consisting of gold and silver and paper, convertible into coin on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only; the subordination of the civil to the military power, and a general and thorough reform of the civil service.

It will be observed that the tariff plank was put in the middle of this paragraph; it was adapted, and was intended, perhaps, for quick running glance only. I do not hesitate to say, now that I have made due and diligent inquiry with a view to ascertain the fact, that an immense proportion of the citizens who read the Democratic platform of 1880 gave to this subdivision in this section, at the beginning of the campaign, no such construction as was afterward put upon it by the Republican management, and has here been sought to fasten within its syllables. But I have not time to dwell upon this in the present opportunity. It will reappear hereafter in my remarks under the light of a brief prefatory historical recital.

The Democratic convention of 1880 was held in Cincinnati, in June of that year. The following autumn months of September and October witnessed the strange and confessedly demoralizing and somewhat humiliating spectacle of the majority of the Democratic speakers upon the campaign rostrums endeavoring to re-explain these words, or give them an interpretation entirely hostile to the doctrine of free trade and not inconsistent with the boundary of action on the subject which in 1883 was set forth at their State convention by the Democracy of Ohio. It cannot be denied that our party went before the people in the fall of 1880 begging them not to put a construction upon the plank referred to that would bear any support for a free-trade advocacy.

And it should be said and emphasized in this juxtaposition that with most of the Democratic speakers and editors the disclaimer and the accompanying interpretation referred to were thoroughly honest proclamations, for it can not be denied or doubted that a majority of our party in this country were then and now are in favor of incidental protection; and, I must repeat, thousands in the glance of the first readings did not for one moment imagine that the meaning deprecated would be attached to the clause so harmfully quoted by our opponents—that signification which in strict rendering the words unquestionably embodied and set forth.

More than this: In the earlier portion of the campaign of 1880 there were distinguished speakers sent out from Democratic headquarters—from the national or New York committee-rooms—duly commissioned and salaried, whose utterances and reasonings were sharp and precise in favor of the theory of free trade for our country, so far at least as to reach the standard of Great Britain. But when our foes in September, 1880, “sprung” the issue upon the line “a tariff for revenue only,” focalizing and pressing home upon these words and their interpretation thereof, swift messengers of recall were put upon the track of Henry George and other eminent advocates of the abolition of cus-

tom-house dues. No less a man than one of our foremost Representatives on this floor, who has in a most earnest and instructive manner participated largely in this discussion, with authority inherent and acquired or bestowed bid the youthful crusaders of the free-trade knight-hood to cease from their eloquent warfare and retire to the rear of the camp.

But besides and beyond and, if you please, above all this, our honored candidate for Chief Executive himself came forward with a declaration which it was unmistakably intended should disabuse the public mind of the prejudice that was engendered against our organization by the charge made in the Republican newspapers and by Republican orators,—the charge that we purposed inaugurating a free-trade administration in the event of the election of General Hancock to the Presidency of the United States.

It must be timely to recall *verbatim* what our Presidential candidate had then to say in reference to this matter. And that his language may be thoroughly understood by those who have had no other reading on this correspondence, or who have forgotten its origin or can not recall without a literal reprint the style of the summons served upon him, I desire that the Clerk read to this House the letter of Governor Randolph as well as the reply of General Hancock. Both will be found in the New York Herald of October 16, 1880. And mark you now, before and while you hear these passages, that a minority of our party in this House is now ordered to vote for the pending bill because it is in such connection alleged to be "a firm first step toward free trade."

These are the letters; hear them:

MORRISTOWN, N. J., October 11, 1880.

MY DEAR GENERAL: My attention is called to-day to an interview, or a reported interview, had with you by a person representing the Paterson Guardian.

As I read the report it seems to me that you were very imperfectly understood or very indifferently reported. I come to this conclusion because of my knowledge of your views upon the tariff question. The report does you injustice.

The subject is one which our manufacturing friends are very solicitous about, and very properly so.

I regret that your views upon the tariff question, as I understand them to be, had not found fuller expression in your letter of acceptance.

If the misrepresentation of your tariff views continue, would it not be wise and just to take some occasion to put yourself right?

Very truly, yours,

THEODORE F. RANDOLPH.

General W. S. HANCOCK,  
Governor's Island, New York.

GOVERNOR'S ISLAND, New York, October 12, 1880.

MY DEAR GOVERNOR: I have received your favor of the 11th. In my letter of acceptance I expressed my full sympathy with our American industries. I thought I spoke plainly enough to satisfy our Jersey friends regarding my tariff views. I am too sound an American to advocate any departure from the general features of the policy that has been largely instrumental in building up our industries and keeping Americans from the competition of the under-paid labor of Europe.

If we intend to remain honest and pay the public debt, as good people of all parties do, and if we mean to administer the functions of Government, then we must raise revenue in some way or other. With a reunited and harmonious country we shall certainly in time pay off the public debt, but the necessity of raising money for the administration of the National Government will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff. So far as we are concerned, therefore, all talk about free trade is folly.

But the tariff question will probably be treated with justice to all our interests and people by some such bill as Eaton's. I believe that a commission of intelligent experts, representing both the Government and American industries, will

suggest tariff measures that will relieve us of any crudities and inconsistencies existing in our present laws, and confirm to us a system which will be judicious, just, harmonious, and incidentally protective as well as stable in its effects.

I am, very truly, yours,

WINFIELD S. HANCOCK.

To Hon. THEODORE F. RANDOLPH,  
*Morristown, N. J.*

And furthermore it should be mentioned and magnified in this connection, that not alone by himself or from his own judgment did our presidential candidate give utterance as quoted; but it is notorious that it was after due counsel with leaders in the party, some of whom I have reason to believe are members of this House, he lent the great significance and authority of his name to such a qualifying and disclaiming proclamation. Nor was any man in our party of acknowledged prominence and influence as a national leader, heard upon the hustings to demur to that which our nominee for the chief executive office, by and with the advice and consent of his next friends, so put upon the newspaper record.

What of all this, Mr. Chairman? Much every way.

Not by word of national platform alone is our record and promise to be exhibited and invoked upon for consideration and for soliciting and impelling to action here; but by the plank and the interpretation thereof immediately or shortly thereafter given, are we to be conjured and constrained. And if there be distinction and difference and even contradiction between the two—between the clause in the creed and the text of the unchallenged rendering, between the former and the personal assurances of the principal candidate and his orators and journalists—then must the latter prevail and bind. If that which is called a construction be in substance and effect a retraction, can it be regarded otherwise than, at least, as destroying the strength of the original statement of principle—destroying the original, at least, for any such coercing purpose as is contemplated, as is uttered and hourly reiterated here.

Now, it ill becomes any political party anywhere to obtain power by a declaration of principle which it has not sincerely at heart, or by a disclaimer of intention which it at heart retains and fosters. And least of all—if there can be a comparison of small and great in this relation of secular affairs in this Republic—least of all should such duplicity be manifested by a national political organization. Without thought of personal disrespect to any one, I say that such a proceeding is not honest. I challenge it as debasing and corrupt. Some of the Republican party managers were once conspicuously guilty of this species of outrage and iniquity (and pray let them retain a monopoly of it), and for that reason, among others, I, as one of a great army, came out from its lines and took my position, fifteen years ago, with the regenerated Democracy of the United States. It was the Republican party that declared in 1868 that the right of suffrage should be determined by the States in the North, respectively, and not by the General Government. And then, having acquired or retained power by virtue of such declaration, its Senators and Representatives here proceeded to pass a constitutional amendment, and by various methods of party management and machinery, some of which were most reprehensible, Republican managers proceeded to force it through State Legislatures;—which amendment conferred upon the negro race throughout this Republic the privilege and authority of the ballot.

That there may be no misconception here, it is well perhaps that you



should hear again the second paragraph of the Republican national platform of 1868:

Second. A guarantee by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States.

The above paragraph in the Republican national platform of 1868, was—singularly (and appropriately?) enough—followed immediately by this language:

Third. We denounce all forms of repudiation as a national crime;

\* \* \* \* \*

Prior to the assembling of the national convention of the Republican party, in 1868, the leaders of that organization were suspected and accused of the intention indicated, and the plank on the subject referred to was an isolated and most italicized statement, politic and necessary at the time, upon which the success of that party in that campaign largely, if not absolutely, depended. And throughout the canvass of 1868 Republican orators and editors proclaimed and advocated the doctrine of this last portion of the second paragraph.

Now, no one proposes to revive a debate upon the subject of that amendment. The amendment is in the Constitution for all time, and no Democrat for one moment contemplates attacking it. But the flagrancy of the breach of public party faith referred to, is not now and can not be denied. However you may have regarded the proposition to amend, in its letter considered, no intelligent candid Republican will undertake to justify on moral grounds the misrepresentation and other principal means by which that change in or addition to the organic law of the nation was effected.

It might be said—it has perhaps been intimated—that inasmuch as our candidate was not elected in 1880 we are not bound by the platform recitals and the accompanying interpretation of that time; although that would be a very queer evasion and excuse on the part of my antagonist—as peculiar and censurable, I deferentially submit, as would be a violation of a compromise compact of legislation by refusing to vote for a measure agreed upon because the one that had precedence was defeated. And, second, that so much time has elapsed since the last Presidential canvass that we are entitled to bring forth new issues, or, if you please, take a new position upon an old question of public policy and legislative enactment. These things can not be said except by those who are prepared to admit in candid acknowledgment of the logic of the situation that they have changed positions, or that they do not here occupy that vantage ground usually claimed for them; that they are no more accusers, but defenders; no longer to be considered in the attitude of leaders and generals that purpose reading men out of the party who do not obey their behests on the tariff-bill programme; but apologizers for themselves in this day on this issue and amid these scenes of Congressional action.

It is not for me to say—it has not been and will not be said by me—that political issues in their relations to political parties in this country are sharply defined and morally inclosed within walls reared at the end of every four years; that between the striking of the clock, from national convention to national convention, no public man ought to advocate policies or plans in conflict with the last party creed for which he contended. But can there be any doubt in such a case as this as to the



proprieties, and as to that which belongs to the intellectual and moral integrity of the situation? Please understand and mistake not; I am confronting and combating the "party call and command," as it is claimed; fully expressed without and often eloquently hinted within this Chamber. I am not guilty of that foolish thing: contending that no member or committee of our party can honorably introduce a tariff bill at this session of Congress. For the sake of my party, as well as in behalf of the best interests of this country, I meet and contend against an order of alleged party discipline, on a proclaimed path of "a firm first step toward free trade."

That any individual may change his views at any time—entirely, absolutely—and even gain just credit and applause for frankness and sincerity manifested in such action, it would be absurd to question or deny. Indeed, we know that it was well said by one of old, that it was difficult to tell which of the twain was the biggest fool, the man who was always changing his opinion or the man who never changed. But here is an endeavor to coerce men of Democratic faith and lineage into the support of the so-called Morrison bill, on an asserted obligation of party honor and political fidelity. Do not misapprehend or forget for an instant the respective positions of the disputants.

You may change and I may not. Your hour to sit in judgment has not come. I may be with you in thought and conviction on the main question, and yet deem it not only inexpedient but in violation of a formal platform promise, as authoritatively explained and construed, or in plain contradiction of the whole combined convention and subsequent committee and candidate action and assurance, to act here in favor of this or that original proposition or amendatory section. Would you have it otherwise? Then might not those in whose company I now speak, and shall act, with far better right and grace call upon party associates who would arraign us, to answer themselves and plead excuse. We possessing the commission to cite and to certify and if need be to cast out; a commission far more legitimately derived or obtainable from decisions and judgment on party creed, pointed and punctuated by contemporaneous or quickly-coming party campaign assurances?

Now we will bring up a little nearer to our firesides. In 1882 there was a memorable political campaign in that distant Commonwealth which I have the honor in part to represent. During that canvass there was no issue joined on the subject which has been under discussion here for the past two or three weeks. There was very little talk upon the stump about it except what was confined to the Republican speakers, who were not confronted by us upon this topic. Overshadowing and excluding everything else was the question of monopoly, especially the monopoly of a railroad corporation. Thousands of voters cast their ballots for us who sit with one party in this House—a solid Democratic delegation—who would surely have given their suffrages in favor of opposing candidates had they dreamed that we were to put in an appearance here to lend our support to such a measure as the one pending in this Committee of the Whole on the state of the Union. I speak now for no one but myself, and intend no reflection upon any one of my honored colleagues, but I have sought this opportunity of utterance because I desire to say, once for all, that I should have to consider that I did a dishonest act as a Representative in this Congress, if after having been elected under the circumstances indicated I joined the greatly respected majority of my party here who have not the guiding and restraining home influences that appeal to me, in approving by

word and vote this proposition that emanates from the Committee of Ways and Means.

Here are public petitions and private letters, which in the aggregate bear the signatures of thousands of leading citizens of California, protesting against the passage of this bill; containing the names of men who for many years in that politically doubtful State have been consistent and earnest and energetic and, I will not forget to add, munificently generous in their adherence to and aid of the Democratic party. And do you say that I can not fail to support this measure, this confessedly most imperfect manuscript of legislation, without subjecting myself to reprimand and indictment as one recusant to Democratic faith and practice, when under such circumstances such voices come up to me from among the people of my Commonwealth?

If there is authority here to draft a new article of party constitution, or, if you please, to revive one which has been in abeyance, and put it in statutory language, and then summon Democrats to subscribe or take seats on the other side of the House, then I crave your audience to say that we ought at least to have here a bill that is entitled to very respectful consideration on all other accounts. There is no insolence in that suggestion, I humbly submit. Nay, if you are drawing lines and making combat across them, you might expect retaliation. That, however, I have neither the disposition nor the temerity to attempt.

What is this bill? "Tariff revision?" Nothing of the kind. Let not the English language be outraged by such a profession. The bill revises nothing.

It proceeds out of a committee of fifteen members, which committee includes some of the leaders on either side of this House, and as all the country ought to know—especially under the circumstances just referred to—which includes a majority composed of Democratic leaders on this floor. And for these gentlemen we all have the greatest personal respect. There is of course no lack of ability and experience—quite to the contrary—which should pre-eminently fit them for the work and the accomplishment expected in this very relation, from their hands. During full sixty days after our reassembling in January these honored and gifted Representatives sat in council on this subject, and at the end of that time they floated forth this patent scythe-blade tariff projectile.

Mr. Chairman, had we not a right to expect a better outcome than this? I am not going to delineate it in general or metaphoric terms. It has been in that way fitly and sufficiently described by the venerable Representative from Connecticut [Mr. EATON]. And I would that his words could have a reader by the side of every Democratic hearthstone in this country. For verily they were the apt words of truth and soberness.

But I am admonished: "Have a care how you venture to classify these two little pages of Bill delivery; with the appendix of random, guesswork arithmetic, gotten up by one of the clerks in one of the Departments. Beware how you speak lightly of this puzzling text, lest you increase the weight and severity of your punishment for disobedience to the mandates of the party caucus hereunto promulgated! What hazard are you at, when even the veteran statesman and political party hero from Connecticut [Mr. EATON] has been given notice, in some appreciable and unmistakable manner, that he opposes or questions at his péril?"

Sentence by sentence did I approvingly follow his analysis and char-

acterization of this bill and deplore with him the management under which it has been sought to compel a majority in this House to acquiesce in and indorse its provisions. And as I attended him through that masterly extemporaneous discourse I remembered—I could not but recall—the time when I heard that voice, full thirty years ago, giving eloquent utterance to records and rules of Democratic faith and practice, as he spoke in halls and from balcony stands in the capital of his Commonwealth during the progress of a Presidential campaign. I remember when he sat—found wise and faithful and inflexible amid the timid and the far less sagacious of his own party, in the Senate of the United States, breasting a storm of appeal from within and from without—solicitation and threat alike unavailing to move him from his righteous judgment and resolve. O, patriot of patriots! At that hour and in that dire emergency alone upholding the pillars of the Constitution! Simply and tenaciously insisting and to the last persisting that the man whom the people had lawfully chosen to be Chief Executive of this nation should be seated, under the law and rules as they read, in the Presidential chair; as he must have been and would have been if the regularly prescribed methods succeeding election and preceding inauguration had been adhered to and resolutely pursued by all the legislators of the nation who desired to live under the administration of Samuel J. Tilden.

Turn him out of the Democratic party! And because he will not vote for such a bill as this? Challenge him and put him to flight and exile? Let Dares in his youth and in his boasted strength of pugilistic elocution be tumultuously applauded as “swaggering forward he draws the gauntlets on,” “defies the circling host,” and in default of instant answer demands the prize. See how old Entellus “drives and batters Dares all abroad,” until “Father Eneas suffers not their heat go further, nor Entellus feed his fury more;” but rescuing the Trojan champion from his aged but resistless foe, half leads, half bears him weak and limping to the waiting boat.

Mr. Chairman, were we not entitled to a bill from this committee of able and experienced and distinguished legislators that should have been exact in its statements and enumerating in detail—such a bill, and none other, accompanied by directly informing and argumentative calculations made by experts in the committee-room and verified by members having that department of inquiry and preparation especially in charge; presenting in definite and explicit language in the bill itself each object of import, article by article, each imposed tax, dollar by dollar and fraction by fraction? Why not? In so important and grave a matter as this? When even the distinguished advocate of tariff agitation at this session who has had the closest intimacy with the practical workings of our schedules is compelled to say that the present system must not “go” otherwise than “as it came, slowly, and by such wise and moderate steps as will commend themselves to the judgment of all fair-minded men?” Nor let me fail here to present the two paragraphs following the quotation just read from Mr. HEWITT's speech, delivered in this House so late as April 30, 1884.

To abolish protective duties at once would ruin me; it would ruin the manufacturers; it would dislocate the labor of this country now engaged in the protected manufactures. We have no right to inflict this wrong. Hence, with the views I entertain, I have not hesitated upon all occasions to confirm the statements of gentlemen upon the other side that this reform must be made slowly. I warn my friends upon this side not to proceed rashly. I warn them that any mistake they may make will be taken advantage of by the manufacturers to

put down wages, and to persuade the workmen that we are their enemies and not their friends.

There is only one method by which we can accomplish this great result. Remove duties where it is possible—and there is plenty of room—without injuring existing interests, and then the steady progress in the improvement of the condition of the working classes, especially in their regular employment, without loss of time, which is what they want now more than high wages—this steady progress will convince the workingmen that we are on the right road; and particularly will it convince them when they find that in the day of profits their trades-unions will be powerful enough to demand a better and fairer share of the earnings of industry.

The accusation has gone abroad, and has not been met by saving denial or explanation, that the Republican party has blundered in this relation,—greatly, grossly, almost irreparably. If the Democracy of this House was not to be permitted to agree on that line of non-action at this session which was commended with great particularity and vehemence by the Washington Daily Post and by other so-called Democratic organs (that have not a word to say against railroad and telegraph monopolists), that are now seeking to traduce and defame every Democratic Representative here who will not approve or vote for this bill (and by the way, I will append to my speech an editorial article from the Washington Post of March 15, 1883, written and published when that paper was under the same management as now), if the Democratic members of Congress were to be called upon to act at this session with respect to a tariff measure issuing from the Ways and Means Committee, was not every member on this side, on single call or objection, entitled to a specific proposition or series of paragraphs on which to exercise judgment and conscience alike? What! Follow one sweeping blow in the dark with another and call that revision and reform?

Shall it be said there was not sufficient time for selection and itemizing? Then it shall be said that it was not a time to bring forth from the committee any bill whatsoever on this subject.

I appeal here and hence, and standing within the ranks of the Democratic party where I have done my full share of arduous service these fifteen years last past, whether there appears any foundation existing at the beginning or laid during the progress of the consideration of this subject for any gentleman here or any number of gentlemen here to set up a standard of political orthodoxy and write anathema over it. For it is assumed that they put themselves by this measure on a platform by and from which the citizens of this Republic will say that they are or ought to be clothed with excluding powers.

For one, I declare with reluctance but as in duty bound that I could not under any conditions praise this bill, coming as it does from the heretofore justly renowned Democratic members of the Committee on Ways and Means of the Forty-eighth Congress. There would appear to have been no study for it in the committee; there is no legislative genius displayed in it, although we know that there is plenty of educated intelligence behind it. And as a party measure, supposing that to be alone considered, no possible good will or could come out of it.

Mr. Chairman, it is said that the Democratic party must present and advocate free-trade doctrines, or we shall have no issue of clear-cut lineaments before the American people during the coming Presidential campaign. What! no issue, with railroad and telegraph monopolies oppressing us on every hand, and with the almost certain prospect of a candidacy from the Republican national convention that



will be obviously the first choice of the owners and managers of these monopolies?

We have put up the bars against Chinese immigration so far as we could, but Chinese labor is not in any event far from our doors. Many classes of artisans in San Francisco would probably be soon forced to take rice-diet wages or be thrown out of employment entirely, if this bill should become a law, by reason of competition from Chinamen located on our borders or engaged in the manufacture of goods in their own land. It is difficult to make exact inquiry as to these matters under the wording of such a measure as this. But it is deserving of notice that the California newspaper organs and circulars of the owners of the trans-Pacific steamship lines are very earnestly in favor of free trade and strongly commend the pending bill, while it is also true that some of them—some of the so-called Democratic numbers in the list, doubtless in enforced deference to local public sentiment—concede that this presentation and pushing is inopportune and likely to prove unavailing at this session.

The wiser editors of railroad and telegraph monopoly organs, however, evidently recognize the fact, without being explicitly told of it from monopoly headquarters, that the introduction of this bill at this time effects or amounts to a diversion in favor of their masters. Ah! if the honorable and renowned gentlemen who brought forth these pages had had the slightest serious suspicion in this direction, how carefully they would have inquired if it had any foundation, before, at this session, under the circumstances that surround us, they presented and with their great strength urged the passage of this measure!

Tariff reform, tariff revision we all desire; and for one I have never hesitated to declare myself in favor of reducing the custom-house levy until the income from imposts on foreign products and manufactures shall ultimately be brought down reasonably close to the expense account of the Federal Government—a liberal margin being allowed for the incidental and accidental—a discrimination for our own productions and industries being meanwhile carefully and skillfully and jealously preserved and maintained.

But the moment you concede, as you must, as you do, that free trade is to-day "impracticable," that, in the language of the eminent gentleman from New York [Mr. HEWITT], even a reduction taking off only so much as strictly speaking could be denominated protective would be "ruinous" to him and to all other manufacturers, you give the questions as to selection of articles and amount of subtraction from duties into all our hands. Each item should be submitted to us all, as are the paragraphs coming from that most diligent and laborious and painstaking of House committees,—the Committee on Rivers and Harbors. It is then and thereafter, neither more nor less, and nothing other than an inquiry as to degree: how much shall you take off here, and how much shall be—how much ought to be—the deduction on that article? The committee should have treated this subject in this clear and simple manner, and exhibited that modicum of respect for us who are without their council, and, if you please, especially for those who have made their first advent here, which would have been implied by a section-text embracing all items, and a report in detail.

There is no pretense anywhere but that the present tariff is iniquitous in its discriminations. But it is not like the schedule of a railroad company, with respect to which the authors and corporation publishers claim approximate perfection, and with respect to which a horizontal



cutting in some cases, if too great, is met and compensated for in other instances where it is certain that charges bringing revenue to the one coffer will still remain relatively high and positively exorbitant.

A question of degree; that is what this is. Even if it be acknowledged for the moment, that the British free-trade standard is the correct one, still it is a question of degree. And in representing my own constituency, who have named to me and the committee some articles which they prayed might be untouched, as well as in giving utterance to my individual opinion by my action here, I want and I demand a fair basis for consideration and judgment from the hands of a principal and an industrious committee of this House. There need be no fear as to the reasonableness of such a desire and demand. And one man can just as well go before the country upon that proposition and upon my side of it, as three men can go before the country on the other side. Why not? "Thrice armed is he who hath his quarrel just."

Mr. Chairman, I may be wrong, but it does appear to me that upon this subject, where there is so much heat and temporarily party-dividing opposition, there ought to have been in this body a practical unanimity. All can see and all declare that the present law of tariff is imperfect, that the schedule of charges is too high, that in some instances the impost is outrageous. Some contend that on the one fact of recent change—the passage of a law reducing the imposts at the last session—it behooves us to wait at least another year before this subject is touched at all even in the privacy of a committee council. And while we allude to this and observe the impatience with which most of the members of that splendid delegation from the State of Kentucky—with whom I had the honor to stand in a minority a few weeks ago with respect to a subject that most nearly, if not almost exclusively, affected their immediate constituencies—when we see how, with a single exception, those gifted gentlemen regard our reluctance in these premises, we can not avoid bringing to mind the language which their most distinguished statesman of a former generation once used on a similar occasion.

But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe. \* \* \* And what is the just complaint, on the other hand, of those who support the tariff? It is that the policy of the Government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened, it becomes necessary to close them and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation, before it is yet nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine months' labor, before we know anything of its experimental effects, and even before it commences its operations, we are required to repeal it.

All can see that tariff revision and reform belong upon the banner of any party that puts forth a national platform on which electoral votes are called for in this year of our Lord. I hope and trust that there will be much mutual instructing in the coming canvass and a clear understanding on this subject at its close.

I firmly believe that a bill could have been framed at this session very largely reducing the tariff charges of our Government, for which there would have been no need of a party conference, for which no caucus constraint would have been claimed, against which there would not have been cast five Democratic votes; while it would have received a great number—I think a majority—of votes from the other side of the House.

But why this introduction and this consequent perturbation? Why these threats of party ostracism and expulsion?

If I did not have such profound respect for my fellow-Democrats upon this floor as I profess on all proper occasions, and as I do feel proud with some references to proclaim, I might be led to suspect, in some flashing moment of thought on this subject, that an underlying and perchance inciting motive constraining and compelling a few Representatives here to act in regard to this subject—a motive operating all unconsciously to them—was the wish to capture and establish a leadership in the approaching struggle for the election of a Chief Executive. But I will not entertain or tolerate such a suspicion.

But some things in this relation are certain, and not to be effaced. The judgment of the party, as intelligently deduced from official and current expressions one year ago, was hostile to this agitation in this form at this session. Whatever of pledge in general terms was given on this subject two years ago, in a comparatively few localities, received legitimate modification in legislation that has since been had in this Capitol during the second session of the Forty-seventh Congress. Whatever of specific party promise was made in any of the States in 1883 respecting this issue was unfriendly to the introduction and urging of such a measure as is now pending before us; but required something of an opposite nature,—a promise not unobserved but unfulfilled.

"A firm, first step toward free trade!" How so? Any subtraction, no matter how insignificant in point of amount, might have been christened with such a title. But no: this makes the guessed-at minimum for the heroic "firm, first step." And one of the foremost advocates placidly declares—in so speaking at once exhibiting his own courageous complacency, I had almost said his reckless indifference, and the entire ignorance of himself and all his associates as to what will be the precise effect, in each or any instance, of this slashing text—"Sometimes we will cut to the quick and draw blood." Is that the language of conservative democracy? Is that the speech of Jeffersonian statesmanship, when dealing with such a question in any legislative tribunal? But let credit be given here in the way it is due. This is a candid, if not inadvertent, confession of the character of the measure on which the summons of partisan fealty has been laid.

No time to consider the impositions and extortions and consequent oppressions and tyrannies and corruptions of railroad monopolies; no time so far to listen here to pleas for the reduction of excessive fares upon railroads built by the aid of the loan of the Government's bonds and money and the absolute grants of the people's land, under laws that specifically reserved and prescribed the right of Congress—that has accrued—to regulate the tolls; no time to give full audience here on the question of enlarging the postal facilities of this Government, so as to provide, in accordance with the spirit and in obedience to the very letter of our Constitution, as interpreted by a century of Congressional and administrative action, for the telegraphic transmission of the letters of the people at reasonable rates—as is provided by every other civilized nation on the face of the earth; but weeks, and if necessary months, for the advocacy of a "firm, first step" in the path of legislation, which if taken by us and approved and followed by other legislators who are beyond us and who are between us and the wished-for consummation, will result, admittedly—nay, it is almost the sentence of boasting—in flesh-cutting and blood-letting, when, as a law for the market, the manufacturer, and the husbandman, the statute—the enact-

ment of which is the "step"—passes into and across the business interests of the country.

#### APPENDIX.

[From the Washington Post of March 15, 1883.]

##### THE DEMOCRATIC DUTY.

The Post's opinion of the revenue bill passed by the Forty-seventh Congress is in entire accord with the opinions expressed by the leading opponents of the measure in both Houses of Congress.

\* \* \* \* \*

The Post is not and does not propose to be in favor of renewing the tariff fight in the Forty-eighth Congress. The dominant party has gotten its load on its back, and it should be permitted to carry it undisturbed into the campaign of 1884. It is a load that will grow heavier every day, for light is breaking in on the public mind and the iniquities of our tariff schedule are beginning to be seen as they are. When the Democratic party has the three branches of the legislative power in its hands—the House, Senate, and Presidency—it will be for the first time in many years not only able to legislate, but responsible for action or non-action.

Only one of these branches will be Democratic for the next two years, and that one will not be required to attempt the impossible, and load itself with failure and the odium of needlessly disturbing the business interests of the country. Shall the Democratic party forego all the immense advantages of its present position? That is the question involved in the proposition to open up tariff legislation next winter. Shall the Democratic party, on the eve of a Presidential campaign, with victory in sight, undertake a palpable impossibility, with no chance of gain, but a certainty of loss in popular strength?

No measure that would be honestly Democratic could get through the Senate, and if such a bill was passed by both Houses it would meet death at the other end of the Avenue.

The duty of the Democracy, as we see it, is to let the tariff severely alone until the possession of legislative power shall clothe that party not only with the responsibility but with the means of putting Democratic principles into the shape of law. The Democratic situation at this time could not be improved. The opposition has done just what it would have done if it had been inspired with an earnest desire to help elect a Democratic President. It has done this not from choice, but from compulsion of circumstances beyond its control. For "there is a Divinity that shapes our ends, rough-hew them how we may."

Let the Republican party stagger into the campaign of next year under its intolerable burden, to find the Democracy compact, elate, determined, and confident; not demoralized by failure in an ill-advised effort to do an impossible good.



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THE UNWISE AGITATION OF THE TARIFF QUESTION  
AT THIS SESSION OF CONGRESS.

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SPEECH

OF

HON. CHARLES A. SUMNER,  
OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES,

TUESDAY, MAY 6, 1884.

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WASHINGTON.  
1884.





## The Unwise Agitation of the Tariff Question at this Session of Congress.

### SPEECH

OF

### HON. CHARLES A. SUMNER.

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. SUMNER, of California, said:

The effort has been made with great diligence and sometimes with considerable art, to have it appear that the cause of tariff reform is at this time inclusively and exclusively enfolded and expressed in what has come to be known as "the Morrison bill." But whenever that proposition is distinctly protested against, by those who have here as good a right to speak on the subject as any, the effort or intention is disclaimed; and we are told that after the bill shall have passed out of the Committee of the Whole with a favorable report, there will be opportunity to amend. This gracious suggestion—for such has been the form of the occasional response—has been given, however, in the last few days of the time within which general debate is limited. The fact of the lateness of the hour conjoined with the manner and style of delivery, contribute toward strengthening the natural and prevailing belief, that if this bill does go hence without an agreement to the fatal motion, it is probable that the successful endeavor of the management will be to secure its passage through the House in the precise mold and with every letter it now possesses. Besides, not all of us are wholly unaware of the momentum which a measure of this kind acquires by moving through the first stages of legislation unchecked; sometimes in this way gaining as it were a resistless energy of its own, which not all the earnest work for halting on the part of its authors and original advocates can avail to stay for a moment's further consideration. Therefore it seems to be unfortunately the fact that no other alternative is left to the members of this House, with respect to the question of legislation upon tariff at this session: we must support this measure as it reads, or be unable to give our affirmative vote for any other bill on the subject.

The situation is forced to this extent. Indeed, some of the champions of this measure have not hesitated here and elsewhere to proclaim in effect that we must sustain this bill, jot and tittle—or suffer the consequences!

Things personal as well as tables statistical, belong to this occasion. Of the latter, surely you have had an abundance—and that abundance often in fatiguing duplicate. And not merely personal opinion, but

faithful, direct representation of the dominant sentiment among our constituencies may now properly be set forth, and ought to be the subject of careful, deliberate, conscientious reflection.

In 1880 the Democratic national convention, assembled at Cincinnati, presented to the country a platform in which our party declared in favor of a tariff for revenue only. In order that there may be a clear and unmistakable understanding as to what this platform declaration and pledge imported, let the whole paragraph be read and heard at this moment. This is it:

Third. Home rule; honest money, consisting of gold and silver and paper, convertible into coin on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only; the subordination of the civil to the military power, and a general and thorough reform of the civil service.

It will be observed that the tariff plank was put in the middle of this paragraph; it was adapted, and was intended, perhaps, for quick running glance only. I do not hesitate to say, now that I have made due and diligent inquiry with a view to ascertain the fact, that an immense proportion of the citizens who read the Democratic platform of 1880 gave to this subdivision in this section, at the beginning of the campaign, no such construction as was afterward put upon it by the Republican management, and has here been sought to fasten within its syllables. But I have not time to dwell upon this in the present opportunity. It will reappear hereafter in my remarks under the light of a brief prefatory historical recital.

The Democratic convention of 1880 was held in Cincinnati, in June of that year. The following autumn months of September and October witnessed the strange and confessedly demoralizing and somewhat humiliating spectacle of the majority of the Democratic speakers upon the campaign rostrums endeavoring to re-explain these words, or give them an interpretation entirely hostile to the doctrine of free trade and not inconsistent with the boundary of action on the subject which in 1883 was set forth at their State convention by the Democracy of Ohio. It cannot be denied that our party went before the people in the fall of 1880 begging them not to put a construction upon the plank referred to that would bear any support for a free-trade advocacy.

And it should be said and emphasized in this juxtaposition that with most of the Democratic speakers and editors the disclaimer and the accompanying interpretation referred to were thoroughly honest proclamations, for it can not be denied or doubted that a majority of our party in this country were then and now are in favor of incidental protection; and, I must repeat, thousands in the glance of the first readings did not for one moment imagine that the meaning deprecated would be attached to the clause so harmfully quoted by our opponents—that signification which in strict rendering the words unquestionably embodied and set forth.

More than this: In the earlier portion of the campaign of 1880 there were distinguished speakers sent out from Democratic headquarters—from the national or New York committee-rooms—duly commissioned and salaried, whose utterances and reasonings were sharp and precise in favor of the theory of free trade for our country, so far at least as to reach the standard of Great Britain. But when our foes in September, 1880, “sprung” the issue upon the line “a tariff for revenue only,” focalizing and pressing home upon these words and their interpretation thereof, swift messengers of recall were put upon the track of Henry George and other eminent advocates of the abolition of cus-

tom-house dues. No less a man than one of our foremost Representatives on this floor, who has in a most earnest and instructive manner participated largely in this discussion, with authority inherent and acquired or bestowed bid the youthful crusaders of the free-trade knight-hood to cease from their eloquent warfare and retire to the rear of the camp.

But besides and beyond and, if you please, above all this, our honored candidate for Chief Executive himself came forward with a declaration which it was unmistakably intended should disabuse the public mind of the prejudice that was engendered against our organization by the charge made in the Republican newspapers and by Republican orators,—the charge that we purposed inaugurating a free-trade administration in the event of the election of General Hancock to the Presidency of the United States.

It must be timely to recall *verbatim* what our Presidential candidate had then to say in reference to this matter. And that his language may be thoroughly understood by those who have had no other reading on this correspondence, or who have forgotten its origin or can not recall without a literal reprint the style of the summons served upon him, I desire that the Clerk read to this House the letter of Governor Randolph as well as the reply of General Hancock. Both will be found in the New York Herald of October 16, 1880. And mark you now, before and while you hear these passages, that a minority of our party in this House is now ordered to vote for the pending bill because it is in such connection alleged to be "a firm first step toward free trade."

These are the letters; hear them:

MORRISTOWN, N. J., October 11, 1880.

MY DEAR GENERAL: My attention is called to-day to an interview, or a reported interview, had with you by a person representing the Paterson Guardian.

As I read the report it seems to me that you were very imperfectly understood or very indifferently reported. I come to this conclusion because of my knowledge of your views upon the tariff question. The report does you injustice.

The subject is one which our manufacturing friends are very solicitous about, and very properly so.

I regret that your views upon the tariff question, as I understand them to be, had not found fuller expression in your letter of acceptance.

If the misrepresentation of your tariff views continue, would it not be wise and just to take some occasion to put yourself right?

Very truly, yours,

THEODORE F. RANDOLPH.

General W. S. HANCOCK,  
Governor's Island, New York.

GOVERNOR'S ISLAND, New York, October 12, 1880.

MY DEAR GOVERNOR: I have received your favor of the 11th. In my letter of acceptance I expressed my full sympathy with our American industries. I thought I spoke plainly enough to satisfy our Jersey friends regarding my tariff views. I am too sound an American to advocate any departure from the general features of the policy that has been largely instrumental in building up our industries and keeping Americans from the competition of the under-paid labor of Europe.

If we intend to remain honest and pay the public debt, as good people of all parties do, and if we mean to administer the functions of Government, then we must raise revenue in some way or other. With a reunited and harmonious country we shall certainly in time pay off the public debt, but the necessity of raising money for the administration of the National Government will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff. So far as we are concerned, therefore, all talk about free trade is folly.

But the tariff question will probably be treated with justice to all our interests and people by some such bill as Eaton's. I believe that a commission of intelligent experts, representing both the Government and American industries, will

suggest tariff measures that will relieve us of any crudities and inconsistencies existing in our present laws, and confirm to us a system which will be judicious, just, harmonious, and incidentally protective as well as stable in its effects.

I am, very truly, yours,

WINFIELD S. HANCOCK.

To Hon. THEODORE F. RANDOLPH,  
*Morristown, N. J.*

And furthermore it should be mentioned and magnified in this connection, that not alone by himself or from his own judgment did our presidential candidate give utterance as quoted; but it is notorious that it was after due counsel with leaders in the party, some of whom I have reason to believe are members of this House, he lent the great significance and authority of his name to such a qualifying and disclaiming proclamation. Nor was any man in our party of acknowledged prominence and influence as a national leader, heard upon the hustings to demur to that which our nominee for the chief executive office, by and with the advice and consent of his next friends, so put upon the newspaper record.

What of all this, Mr. Chairman? Much every way.

Not by word of national platform alone is our record and promise to be exhibited and invoked upon for consideration and for soliciting and impelling to action here; but by the plank and the interpretation thereof immediately or shortly thereafter given, are we to be conjured and constrained. And if there be distinction and difference and even contradiction between the two—between the clause in the creed and the text of the unchallenged rendering, between the former and the personal assurances of the principal candidate and his orators and journalists—then must the latter prevail and bind. If that which is called a construction be in substance and effect a retraction, can it be regarded otherwise than, at least, as destroying the strength of the original statement of principle—destroying the original, at least, for any such coercing purpose as is contemplated, as is uttered and hourly reiterated here.

Now, it ill becomes any political party anywhere to obtain power by a declaration of principle which it has not sincerely at heart, or by a disclaimer of intention which it at heart retains and fosters. And least of all—if there can be a comparison of small and great in this relation of secular affairs in this Republic—least of all should such duplicity be manifested by a national political organization. Without thought of personal disrespect to any one, I say that such a proceeding is not honest. I challenge it as debasing and corrupt. Some of the Republican party managers were once conspicuously guilty of this species of outrage and iniquity (and pray let them retain a monopoly of it), and for that reason, among others, I, as one of a great army, came out from its lines and took my position, fifteen years ago, with the regenerated Democracy of the United States. It was the Republican party that declared in 1868 that the right of suffrage should be determined by the States in the North, respectively, and not by the General Government. And then, having acquired or retained power by virtue of such declaration, its Senators and Representatives here proceeded to pass a constitutional amendment, and by various methods of party management and machinery, some of which were most reprehensible, Republican managers proceeded to force it through State Legislatures;—which amendment conferred upon the negro race throughout this Republic the privilege and authority of the ballot.

That there may be no misconception here, it is well perhaps that you



should hear again the second paragraph of the Republican national platform of 1868:

Second. A guarantee by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States.

The above paragraph in the Republican national platform of 1868, was—singularly (and appropriately?) enough—followed immediately by this language:

Third. We denounce all forms of repudiation as a national crime;

\* \* \* \* \*

Prior to the assembling of the national convention of the Republican party, in 1868, the leaders of that organization were suspected and accused of the intention indicated, and the plank on the subject referred to was an isolated and most italicized statement, politic and necessary at the time, upon which the success of that party in that campaign largely, if not absolutely, depended. And throughout the canvass of 1868 Republican orators and editors proclaimed and advocated the doctrine of this last portion of the second paragraph.

Now, no one proposes to revive a debate upon the subject of that amendment. The amendment is in the Constitution for all time, and no Democrat for one moment contemplates attacking it. But the flagrancy of the breach of public party faith referred to, is not now and can not be denied. However you may have regarded the proposition to amend, in its letter considered, no intelligent candid Republican will undertake to justify on moral grounds the misrepresentation and other principal means by which that change in or addition to the organic law of the nation was effected.

It might be said—it has perhaps been intimated—that inasmuch as our candidate was not elected in 1880 we are not bound by the platform recitals and the accompanying interpretation of that time; although that would be a very queer evasion and excuse on the part of my antagonist—as peculiar and censurable, I deferentially submit, as would be a violation of a compromise compact of legislation by refusing to vote for a measure agreed upon because the one that had precedence was defeated. And, second, that so much time has elapsed since the last Presidential canvass that we are entitled to bring forth new issues, or, if you please, take a new position upon an old question of public policy and legislative enactment. These things can not be said except by those who are prepared to admit in candid acknowledgment of the logic of the situation that they have changed positions, or that they do not here occupy that vantage ground usually claimed for them; that they are no more accusers, but defenders; no longer to be considered in the attitude of leaders and generals that purpose reading men out of the party who do not obey their behests on the tariff-bill programme; but apologizers for themselves in this day on this issue and amid these scenes of Congressional action.

It is not for me to say—it has not been and will not be said by me—that political issues in their relations to political parties in this country are sharply defined and morally inclosed within walls reared at the end of every four years; that between the striking of the clock, from national convention to national convention, no public man ought to advocate policies or plans in conflict with the last party creed for which he contended. But can there be any doubt in such a case as this as to the

proprieties, and as to that which belongs to the intellectual and moral integrity of the situation? Please understand and mistake not; I am confronting and combating the "party call and command," as it is claimed; fully expressed without and often eloquently hinted within this Chamber. I am not guilty of that foolish thing: contending that no member or committee of our party can honorably introduce a tariff bill at this session of Congress. For the sake of my party, as well as in behalf of the best interests of this country, I meet and contend against an order of alleged party discipline, on a proclaimed path of "a firm first step toward free trade."

That any individual may change his views at any time—entirely, absolutely—and even gain just credit and applause for frankness and sincerity manifested in such action, it would be absurd to question or deny. Indeed, we know that it was well said by one of old, that it was difficult to tell which of the twain was the biggest fool, the man who was always changing his opinion or the man who never changed. But here is an endeavor to coerce men of Democratic faith and lineage into the support of the so-called Morrison bill, on an asserted obligation of party honor and political fidelity. Do not misapprehend or forget for an instant the respective positions of the disputants.

You may change and I may not. Your hour to sit in judgment has not come. I may be with you in thought and conviction on the main question, and yet deem it not only inexpedient but in violation of a formal platform promise, as authoritatively explained and construed, or in plain contradiction of the whole combined convention and subsequent committee and candidate action and assurance, to act here in favor of this or that original proposition or amendatory section. Would you have it otherwise? Then might not those in whose company I now speak, and shall act, with far better right and grace call upon party associates who would arraign us, to answer themselves and plead excuse. We possessing the commission to cite and to certify and if need be to cast out; a commission far more legitimately derived or obtainable from decisions and judgment on party creed, pointed and punctuated by contemporaneous or quickly-coming party campaign assurances?

Now we will bring up a little nearer to our firesides. In 1882 there was a memorable political campaign in that distant Commonwealth which I have the honor in part to represent. During that canvass there was no issue joined on the subject which has been under discussion here for the past two or three weeks. There was very little talk upon the stump about it except what was confined to the Republican speakers, who were not confronted by us upon this topic. Overshadowing and excluding everything else was the question of monopoly, especially the monopoly of a railroad corporation. Thousands of voters cast their ballots for us who sit with one party in this House—a solid Democratic delegation—who would surely have given their suffrages in favor of opposing candidates had they dreamed that we were to put in an appearance here to lend our support to such a measure as the one pending in this Committee of the Whole on the state of the Union. I speak now for no one but myself, and intend no reflection upon any one of my honored colleagues, but I have sought this opportunity of utterance because I desire to say, once for all, that I should have to consider that I did a dishonest act as a Representative in this Congress, if after having been elected under the circumstances indicated I joined the greatly respected majority of my party here who have not the guiding and restraining home influences that appeal to me, in approving by

word and vote this proposition that emanates from the Committee of Ways and Means.

Here are public petitions and private letters, which in the aggregate bear the signatures of thousands of leading citizens of California, protesting against the passage of this bill; containing the names of men who for many years in that politically doubtful State have been consistent and earnest and energetic and, I will not forget to add, munificently generous in their adherence to and aid of the Democratic party. And do you say that I can not fail to support this measure, this confessedly most imperfect manuscript of legislation, without subjecting myself to reprimand and indictment as one recusant to Democratic faith and practice, when under such circumstances such voices come up to me from among the people of my Commonwealth?

If there is authority here to draft a new article of party constitution, or, if you please, to revive one which has been in abeyance, and put it in statutory language, and then summon Democrats to subscribe or take seats on the other side of the House, then I crave your audience to say that we ought at least to have here a bill that is entitled to very respectful consideration on all other accounts. There is no insolence in that suggestion, I humbly submit. Nay, if you are drawing lines and making combat across them, you might expect retaliation. That, however, I have neither the disposition nor the temerity to attempt.

What is this bill? "Tariff revision?" Nothing of the kind. Let not the English language be outraged by such a profession. The bill revises nothing.

It proceeds out of a committee of fifteen members, which committee includes some of the leaders on either side of this House, and as all the country ought to know—especially under the circumstances just referred to—which includes a majority composed of Democratic leaders on this floor. And for these gentlemen we all have the greatest personal respect. There is of course no lack of ability and experience—quite to the contrary—which should pre-eminently fit them for the work and the accomplishment expected in this very relation, from their hands. During full sixty days after our reassembling in January these honored and gifted Representatives sat in council on this subject, and at the end of that time they floated forth this patent scythe-blade tariff projectile.

Mr. Chairman, had we not a right to expect a better outcome than this? I am not going to delineate it in general or metaphoric terms. It has been in that way fitly and sufficiently described by the venerable Representative from Connecticut [Mr. EATON]. And I would that his words could have a reader by the side of every Democratic hearthstone in this country. For verily they were the apt words of truth and soberness.

But I am admonished: "Have a care how you venture to classify these two little pages of Bill delivery; with the appendix of random, guesswork arithmetic, gotten up by one of the clerks in one of the Departments. Beware how you speak lightly of this puzzling text, lest you increase the weight and severity of your punishment for disobedience to the mandates of the party caucus hereunto promulgated! What hazard are you at, when even the veteran statesman and political party hero from Connecticut [Mr. EATON] has been given notice, in some appreciable and unmistakable manner, that he opposes or questions at his peril?"

Sentence by sentence did I approvingly follow his analysis and char-

acterization of this bill and deplore with him the management under which it has been sought to compel a majority in this House to acquiesce in and indorse its provisions. And as I attended him through that masterly extemporaneous discourse I remembered—I could not but recall—the time when I heard that voice, full thirty years ago, giving eloquent utterance to records and rules of Democratic faith and practice, as he spoke in halls and from balcony stands in the capital of his Commonwealth during the progress of a Presidential campaign. I remember when he sat—found wise and faithful and inflexible amid the timid and the far less sagacious of his own party, in the Senate of the United States, breasting a storm of appeal from within and from without—solicitation and threat alike unavailing to move him from his righteous judgment and resolve. O, patriot of patriots! At that hour and in that dire emergency alone upholding the pillars of the Constitution! Simply and tenaciously insisting and to the last persisting that the man whom the people had lawfully chosen to be Chief Executive of this nation should be seated, under the law and rules as they read, in the Presidential chair; as he must have been and would have been if the regularly prescribed methods succeeding election and preceding inauguration had been adhered to and resolutely pursued by all the legislators of the nation who desired to live under the administration of Samuel J. Tilden.

Turn him out of the Democratic party! And because he will not vote for such a bill as this? Challenge him and put him to flight and exile? Let Dares in his youth and in his boasted strength of pugilistic elocution be tumultuously applauded as “swaggering forward he draws the gauntlets on,” “defies the circling host,” and in default of instant answer demands the prize. See how old Entellus “drives and batters Dares all abroad,” until “Father Eneas suffers not their heat go further, nor Entellus feed his fury more;” but rescuing the Trojan champion from his aged but restless foe, half leads, half bears him weak and limping to the waiting boat.

Mr. Chairman, were we not entitled to a bill from this committee of able and experienced and distinguished legislators that should have been exact in its statements and enumerating in detail—such a bill, and none other, accompanied by directly informing and argumentative calculations made by experts in the committee-room and verified by members having that department of inquiry and preparation especially in charge; presenting in definite and explicit language in the bill itself each object of import, article by article, each imposed tax, dollar by dollar and fraction by fraction? Why not? In so important and grave a matter as this? When even the distinguished advocate of tariff agitation at this session who has had the closest intimacy with the practical workings of our schedules is compelled to say that the present system must not “go” otherwise than “as it came, slowly, and by such wise and moderate steps as will commend themselves to the judgment of all fair-minded men?” Nor let me fail here to present the two paragraphs following the quotation just read from Mr. HEWITT’s speech, delivered in this House so late as April 30, 1884.

To abolish protective duties at once would ruin me; it would ruin the manufacturers; it would dislocate the labor of this country now engaged in the protected manufactures. We have no right to inflict this wrong. Hence, with the views I entertain, I have not hesitated upon all occasions to confirm the statements of gentlemen upon the other side that this reform must be made slowly. I warn my friends upon this side not to proceed rashly. I warn them that any mistake they may make will be taken advantage of by the manufacturers to



put down wages, and to persuade the workmen that we are their enemies and not their friends.

There is only one method by which we can accomplish this great result. Remove duties where it is possible—and there is plenty of room—without injuring existing interests, and then the steady progress in the improvement of the condition of the working classes, especially in their regular employment, without loss of time, which is what they want now more than high wages—this steady progress will convince the workmen that we are on the right road; and particularly will it convince them when they find that in the day of profits their trades-unions will be powerful enough to demand a better and fairer share of the earnings of industry.

The accusation has gone abroad, and has not been met by saving denial or explanation, that the Republican party has blundered in this relation,—greatly, grossly, almost irreparably. If the Democracy of this House was not to be permitted to agree on that line of non-action at this session which was commended with great particularity and vehemence by the Washington Daily Post and by other so-called Democratic organs (that have not a word to say against railroad and telegraph monopolists), that are now seeking to traduce and defame every Democratic Representative here who will not approve or vote for this bill (and by the way, I will append to my speech an editorial article from the Washington Post of March 15, 1883, written and published when that paper was under the same management as now), if the Democratic members of Congress were to be called upon to act at this session with respect to a tariff measure issuing from the Ways and Means Committee, was not every member on this side, on single call or objection, entitled to a specific proposition or series of paragraphs on which to exercise judgment and conscience alike? What! Follow one sweeping blow in the dark with another and call that revision and reform?

Shall it be said there was not sufficient time for selection and itemizing? Then it shall be said that it was not a time to bring forth from the committee any bill whatsoever on this subject.

I appeal here and hence, and standing within the ranks of the Democratic party where I have done my full share of arduous service these fifteen years last past, whether there appears any foundation existing at the beginning or laid during the progress of the consideration of this subject for any gentleman here or any number of gentlemen here to set up a standard of political orthodoxy and write anathema over it. For it is assumed that they put themselves by this measure on a platform by and from which the citizens of this Republic will say that they are or ought to be clothed with excluding powers.

For one, I declare with reluctance but as in duty bound that I could not under any conditions praise this bill, coming as it does from the heretofore justly renowned Democratic members of the Committee on Ways and Means of the Forty-eighth Congress. There would appear to have been no study for it in the committee; there is no legislative genius displayed in it, although we know that there is plenty of educated intelligence behind it. And as a party measure, supposing that to be alone considered, no possible good will or could come out of it.

Mr. Chairman, it is said that the Democratic party must present and advocate free-trade doctrines, or we shall have no issue of clear-cut lineaments before the American people during the coming Presidential campaign. What! no issue, with railroad and telegraph monopolies oppressing us on every hand, and with the almost certain prospect of a candidacy from the Republican national convention that



will be obviously the first choice of the owners and managers of these monopolies?

We have put up the bars against Chinese immigration so far as we could, but Chinese labor is not in any event far from our doors. Many classes of artisans in San Francisco would probably be soon forced to take rice-diet wages or be thrown out of employment entirely, if this bill should become a law, by reason of competition from Chinamen located on our borders or engaged in the manufacture of goods in their own land. It is difficult to make exact inquiry as to these matters under the wording of such a measure as this. But it is deserving of notice that the California newspaper organs and circulars of the owners of the trans-Pacific steamship lines are very earnestly in favor of free trade and strongly commend the pending bill, while it is also true that some of them—some of the so-called Democratic numbers in the list, doubtless in enforced deference to local public sentiment—concede that this presentation and pushing is inopportune and likely to prove unavailing at this session.

The wiser editors of railroad and telegraph monopoly organs, however, evidently recognize the fact, without being explicitly told of it from monopoly headquarters, that the introduction of this bill at this time effects or amounts to a diversion in favor of their masters. Ah! if the honorable and renowned gentlemen who brought forth these pages had had the slightest serious suspicion in this direction, how carefully they would have inquired if it had any foundation, before, at this session, under the circumstances that surround us, they presented and with their great strength urged the passage of this measure!

Tariff reform, tariff revision we all desire; and for one I have never hesitated to declare myself in favor of reducing the custom-house levy until the income from imposts on foreign products and manufactures shall ultimately be brought down reasonably close to the expense account of the Federal Government—a liberal margin being allowed for the incidental and accidental—a discrimination for our own productions and industries being meanwhile carefully and skillfully and jealously preserved and maintained.

But the moment you concede, as you must, as you do, that free trade is to-day "impracticable," that, in the language of the eminent gentleman from New York [Mr. HEWITT], even a reduction taking off only so much as strictly speaking could be denominated protective would be "ruinous" to him and to all other manufacturers, you give the questions as to selection of articles and amount of subtraction from duties into all our hands. Each item should be submitted to us all, as are the paragraphs coming from that most diligent and laborious and painstaking of House committees,—the Committee on Rivers and Harbors. It is then and thereafter, neither more nor less, and nothing other than an inquiry as to degree: how much shall you take off here, and how much shall be—how much ought to be—the deduction on that article? The committee should have treated this subject in this clear and simple manner, and exhibited that modicum of respect for us who are without their council, and, if you please, especially for those who have made their first advent here, which would have been implied by a section-text embracing all items, and a report in detail.

There is no pretense anywhere but that the present tariff is iniquitous in its discriminations. But it is not like the schedule of a railroad company, with respect to which the authors and corporation publishers claim approximate perfection, and with respect to which a horizontal

cutting in some cases, if too great, is met and compensated for in other instances where it is certain that charges bringing revenue to the one coffer will still remain relatively high and positively exorbitant.

A question of degree; that is what this is. Even if it be acknowledged for the moment, that the British free-trade standard is the correct one, still it is a question of degree. And in representing my own constituency, who have named to me and the committee some articles which they prayed might be untouched, as well as in giving utterance to my individual opinion by my action here, I want and I demand a fair basis for consideration and judgment from the hands of a principal and an industrious committee of this House. There need be no fear as to the reasonableness of such a desire and demand. And one man can just as well go before the country upon that proposition and upon my side of it, as three men can go before the country on the other side. Why not? "Thrice armed is he who hath his quarrel just."

Mr. Chairman, I may be wrong, but it does appear to me that upon this subject, where there is so much heat and temporarily party-dividing opposition, there ought to have been in this body a practical unanimity. All can see and all declare that the present law of tariff is imperfect, that the schedule of charges is too high, that in some instances the impost is outrageous. Some contend that on the one fact of recent change—the passage of a law reducing the imposts at the last session—it behoves us to wait at least another year before this subject is touched at all even in the privacy of a committee council. And while we allude to this and observe the impatience with which most of the members of that splendid delegation from the State of Kentucky—with whom I had the honor to stand in a minority a few weeks ago with respect to a subject that most nearly, if not almost exclusively, affected their immediate constituencies—when we see how, with a single exception, those gifted gentlemen regard our reluctance in these premises, we can not avoid bringing to mind the language which their most distinguished statesman of a former generation once used on a similar occasion.

But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe. \* \* \* And what is the just complaint, on the other hand, of those who support the tariff? It is that the policy of the Government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened, it becomes necessary to close them and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation, before it is yet nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine months' labor, before we know anything of its experimental effects, and even before it commences its operations, we are required to repeal it.

All can see that tariff revision and reform belong upon the banner of any party that puts forth a national platform on which electoral votes are called for in this year of our Lord. I hope and trust that there will be much mutual instructing in the coming canvass and a clear understanding on this subject at its close.

I firmly believe that a bill could have been framed at this session very largely reducing the tariff charges of our Government, for which there would have been no need of a party conference, for which no caucus constraint would have been claimed, against which there would not have been cast five Democratic votes; while it would have received a great number—I think a majority—of votes from the other side of the House.

But why this introduction and this consequent perturbation? Why these threats of party ostracism and expulsion?

If I did not have such profound respect for my fellow-Democrats upon this floor as I profess on all proper occasions, and as I do feel proud with some references to proclaim, I might be led to suspect, in some flashing moment of thought on this subject, that an underlying and perchance inciting motive constraining and compelling a few Representatives here to act in regard to this subject—a motive operating all unconsciously to them—was the wish to capture and establish a leadership in the approaching struggle for the election of a Chief Executive. But I will not entertain or tolerate such a suspicion.

But some things in this relation are certain, and not to be effaced. The judgment of the party, as intelligently deduced from official and current expressions one year ago, was hostile to this agitation in this form at this session. Whatever of pledge in general terms was given on this subject two years ago, in a comparatively few localities, received legitimate modification in legislation that has since been had in this Capitol during the second session of the Forty-seventh Congress. Whatever of specific party promise was made in any of the States in 1883 respecting this issue was unfriendly to the introduction and urging of such a measure as is now pending before us; but required something of an opposite nature,—a promise not unobserved but unfulfilled.

"A firm, first step toward free trade!" How so? Any subtraction, no matter how insignificant in point of amount, might have been christened with such a title. But no; this makes the guessed-at minimum for the heroic "firm, first step." And one of the foremost advocates placidly declares—in so speaking at once exhibiting his own courageous complacency, I had almost said his reckless indifference, and the entire ignorance of himself and all his associates as to what will be the precise effect, in each or any instance, of this slashing text—"Sometimes we will cut to the quick and draw blood." Is that the language of conservative democracy? Is that the speech of Jeffersonian statesmanship, when dealing with such a question in any legislative tribunal? But let credit be given here in the way it is due. This is a candid, if not inadvertent, confession of the character of the measure on which the summons of partisan fealty has been laid.

No time to consider the impositions and extortions and consequent oppressions and tyrannies and corruptions of railroad monopolies; no time so far to listen here to pleas for the reduction of excessive fares upon railroads built by the aid of the loan of the Government's bonds and money and the absolute grants of the people's land, under laws that specifically reserved and prescribed the right of Congress—that has accrued—to regulate the tolls; no time to give full audience here on the question of enlarging the postal facilities of this Government, so as to provide, in accordance with the spirit and in obedience to the very letter of our Constitution, as interpreted by a century of Congressional and administrative action, for the telegraphic transmission of the letters of the people at reasonable rates—as is provided by every other civilized nation on the face of the earth; but weeks, and if necessary months, for the advocacy of a "firm, first step" in the path of legislation, which if taken by us and approved and followed by other legislators who are beyond us and who are between us and the wished-for consummation, will result, admittedly—nay, it is almost the sentence of boasting—in flesh-cutting and blood-letting, when, as a law for the market, the manufacturer, and the husbandman, the statute—the enact-

ment of which is the "step"—passes into and across the business interests of the country.

#### APPENDIX.

[From the Washington Post of March 15, 1883.]

##### THE DEMOCRATIC DUTY.

The Post's opinion of the revenue bill passed by the Forty-seventh Congress is in entire accord with the opinions expressed by the leading opponents of the measure in both Houses of Congress.

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The Post is not and does not propose to be in favor of renewing the tariff fight in the Forty-eighth Congress. The dominant party has gotten its load on its back, and it should be permitted to carry it undisturbed into the campaign of 1884. It is a load that will grow heavier every day, for light is breaking in on the public mind and the iniquities of our tariff schedule are beginning to be seen as they are. When the Democratic party has the three branches of the legislative power in its hands—the House, Senate, and Presidency—it will be for the first time in many years not only able to legislate, but responsible for action or non-action.

Only one of these branches will be Democratic for the next two years, and that one will not be required to attempt the impossible, and load itself with failure and the odium of needlessly disturbing the business interests of the country. Shall the Democratic party forego all the immense advantages of its present position? That is the question involved in the proposition to open up tariff legislation next winter. Shall the Democratic party, on the eve of a Presidential campaign, with victory in sight, undertake a palpable impossibility, with no chance of gain, but a certainty of loss in popular strength?

No measure that would be honestly Democratic could get through the Senate, and if such a bill was passed by both Houses it would meet death at the other end of the Avenue.

The duty of the Democracy, as we see it, is to let the tariff severely alone until the possession of legislative power shall clothe that party not only with the responsibility but with the means of putting Democratic principles into the shape of law. The Democratic situation at this time could not be improved. The opposition has done just what it would have done if it had been inspired with an earnest desire to help elect a Democratic President. It has done this not from choice, but from compulsion of circumstances beyond its control. For "there is a Divinity that shapes our ends, rough-hew them how we may."

Let the Republican party stagger into the campaign of next year under its intolerable burden, to find the Democracy compact, elate, determined, and confident; not demoralized by failure in an ill-advised effort to do an impossible good.





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# RESUMPTION AND THE DOUBLE STANDARD:

OR,

*Warren T. Sedgwick*

THE IMPOSSIBILITY OF RESUMING SPECIE PAYMENTS IN THE  
UNITED STATES WITHOUT RESTORING THE DOUBLE  
STANDARD OF GOLD AND SILVER.

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## A SPEECH

DELIVERED IN THE

SENATE OF THE UNITED STATES,

April 24, 1876,

BY

JOHN P. JONES,

SENATOR FROM NEVADA.

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"To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full, with the evils of a scanty, circulation."—ALEX. HAMILTON. (Report to Congress, 1791.)

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WASHINGTON.

1876.



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WASHINGTON.

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SPEECH  
OF  
HON. JOHN P. JONES.

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The Senate, as in Committee of the Whole, having under consideration the bill (S. No. 263) to amend the laws relating to legal tender of silver coin; the pending question being on the amendment of Mr. BOGGS to the amendment reported by the Committee on Finance—

Mr. JONES said:

Mr. PRESIDENT: The act of February 12, 1873, now incorporated in title 37 of the Revised Statutes, an act which, under the guise of regulating the mints of the United States, practically abolished one of the precious metals, was a grave wrong; a wrong committed no doubt unwittingly, yet no less certainly, in the interest of a few plutocrats in England and in Germany and as certainly in the interest of the entire pagan and barbarian world; a wrong upon the people of the United States and of the whole civilized globe; a wrong upon industry, upon the natural tendency of wealth toward equalization, upon the liberties of peoples which are born out of the effects of such equalization of wealth, upon every aspiration of man which depends for its realization upon the development of those liberties.

The act alluded to practically abolished one of the precious metals as money, the one chiefly produced in this country, the one chiefly consumed in the semi-civilized countries of Asia, and the one which at the date of its abolition and under the time-honored laws that previously prevailed was becoming, as it has since become, the more available metal of the two in which to transact exchanges and liquidate debt.

Under the act of April 2, 1792, both silver and gold coins—dollars or their multiples—were made a legal tender in this country for the payment of debts to any amount, at the rate of 15 in weight of silver to 1 of gold. This co-ordination of silver and gold is called the double standard. A similar arrangement existed in the other countries of the civilized world; the relation fixed by law in those countries being



either  $15\frac{1}{2}$  or 16 for 1. A few countries had a single silver standard, but no country, until 1816, had a single gold standard. In this country, up to 1853, the Government defrayed the expense of manufacturing coins, while in Europe, except in England, where the coinage is also free, the owners of the bullion offered for coinage are assessed with a charge for manufacture. Thus, under our old laws, and, as I shall endeavor to show under the requirements of the Constitution, the owner of either gold or silver bullion had the right, if the Government chose to coin any money at all, to have his bullion coined free of charge; and once coined it became a legal tender to any amount for the payment of debts, whether the bullion was of gold or silver.

Although free coinage only dates from that era of other free institutions, the American Revolution, the double standard of money has existed since the remotest past. This arrangement, so far as we know, has existed everywhere and forever, notwithstanding the fact that at certain periods silver, as compared with gold is yielded by the mines in deficit of the world's consumption, while at other periods gold, as compared with silver, is yielded in deficit. At the period in question—that is to say, from 1792 until the effects of the discovery of the Russian, the American, and the Australian gold mines were felt—gold was produced in deficit; and by reason of this fact, silver, at the legal rate of 15 for 1, was the cheaper metal in which debts could be discharged. Accordingly, silver was used for this purpose in this country to the exclusion of gold, the debtor being at liberty to tender either metal he thought proper. By the act of June 28, 1834, this relation was changed to 16.00215 for 1, and by that of January 18, 1837, to 15.98837 for 1, in both cases substantially 16 for 1, at which figure it stood up to February 12, 1873.

When the great Russian mines threw their auriferous products upon the markets, gold became the cheaper metal at the legal relation of, then, substantially 16 for 1; and our silver legal-tender dollar disappeared from circulation. Nevertheless this coin was not abolished, and the privilege of free coinage and the right to tender the silver dollar for debt remained the same as before. The pivotal point of this event was the period of depression which followed the panic of 1837. About the period of 1863-73 another great change in the relative production of the metals occurred, and gold instead of silver was produced inadequately. This occurrence began to operate about the year 1865, when the world's product of gold had attained its maximum. However, this change did not appear to have been felt until some few years afterward, when its influence upon the relative value of the metals was greatly intensified by the threatened demonetization of silver by the German Empire and its partial actual demonetization by other European states. In 1865 the relation of gold to silver in the London market was 1 to 15.33; in 1872 it was 1 to 15.63. This is

considered the pivotal point of the change, because the legal relation of gold and silver in most of the countries of Europe was 15.50. In 1874 the London quotation rose to 16.15, and at the present moment it is about 17.60, a relation which shows that the value of gold to silver is about 10 per cent. above that fixed by our law of 1792, as amended by the acts of 1834 and 1837.

The double standard, or the legal establishment of a fixed relation between silver and gold at the calculated center of their mutual oscillations, is not the unnatural and one-sided measure which some recent writers have supposed it, but the fulcrum of a just balance whose scales are alternately depressed. Both gold and silver are indispensable, and needed for the coins of the world—gold for large payments, silver for large and small ones; and it will be found that in great commercial countries both gold and silver are needed. Outside of the great bulk of mankind who use either one or both of those metals for money, there is a small number on the one side who are too poor even to use silver, and a small number on the other who are too rich even to use gold. The very poor employ copper; the very rich paper notes and checks. In both of these cases the substitutes for gold or silver are not real money, but representatives. Copper coins are never of full weight, and are called tokens; paper instruments are intrinsically worthless, and are merely promises, direct or remote, to pay money of gold or silver. To the mass of mankind gold and silver are both indispensable for the purpose of exchange, and these two metals constitute the money of the world.

Were their quantitative relation unknown or changing always in one direction—for example, was silver always becoming cheaper or gold dearer—a double standard would prove inconvenient. But such is not the fact. The relation of these metals to one another for many centuries has been very constant, the pivotal point being  $15\frac{1}{2}$ , and the oscillations—until within the past year, and chiefly in consequence of the demonetization of silver in Germany—quite inconsiderable. This constancy of relation is due to the stock of precious metals already in the world, to the proportion of gold to silver needed for the world's convenience, to the vicissitudes of production, to the occurrence of gold and silver in the same ore matrices, and to other physical circumstances which will be adverted to hereafter.

Without perhaps fully knowing the causes of it, but assured from long experience of its continuance, nations have hitherto been satisfied, in their search for an approximatively immutable measure of values, to adopt the double standard, which, constituting a measure, now of gold and then of silver, nevertheless served to measure with constant efficiency any given quantum of labor or its products; just as a peck measure, whether constructed of gold or silver, will mea-

sure always just one peck, or as nearly so as the different effects of temperature upon the two metals will permit.

This is what has been understood in all ages by the double standard, and this is what our forefathers understood by it when they fixed it, first at 15 and then at 16 to 1, a wise and far-sighted mean between the market relation of silver and gold for two generations previous to and after the date of the three enactments which they transmitted to us.

In case no such amendments had been made to the bill now before the Senate, as have been offered by the Senator from Missouri, it was my intention to offer a simple amendment to restore the double standard of the United States, and to base its system of money upon the money of the world, upon which it is now not based. To accomplish this object it was suggested that I might, with, perhaps, greater assurance of success, attempt it by the same indirection which practically destroyed the double standard. But this course might indicate a lack of confidence in the strength of the amendments or the sufficiency of those arguments of sound policy and expediency upon which they rest.

The wrong which has been done can never be fully undone by indirection. The undoing must be as open and explicit as the doing was indirect and implied.

To secure this result nothing more is needed than that the history of the precious metals shall be recalled; that history which is so full of happiness and misery, of affluence and of poverty, of ease and of hardship; that history in part of which my life has been passed, and which has therefore impressed itself upon me not only by study but partly also by practical experience.

The flood of light which this history throws upon the subject, while it will establish the necessity and importance of the double standard, will also serve to allay any fears that may be entertained on the one hand as to the observance of specie contracts, or on the other as to the due recognition of paper credit as an economical and essential element of the currencies of modern nations.

As this history, be it ever so briefly recounted, is of some length, and as the conclusions to which I desire to direct attention are somewhat numerous, I deem it best at the outset to summarize what I propose to say on this subject.

First. I propose to set forth the function and nature of money, the various substances which have been used for money, and the characteristics which during fifty centuries of trials have induced the precious metals as a duality to be always resorted to for this purpose throughout the world.

Second. I propose to show that the use of money and the preference of the precious metals for money were both natural and voluntary acts, not due to law or edict, and that, therefore, money is of

right, and ought to be, free and untrammelled by any regulations except of a kind specified.

Third. I propose to trace the stock of the precious metals in the world from the earliest period for which we have authentic data, to show its mutations down to the present time, and the political, industrial, and social phenomena which accompanied those mutations. From this review I expect to be able to show that the world's stock of specie, which is now of great magnitude, consists nearly one-half of silver; that any diminution or disuse of such stock, whether resulting from failure of the mines or arbitrary legislation, is fraught with the greatest disasters which can befall society; and that, therefore, the two measures to which our country is committed by existing laws, viz: resumption in specie, combined with demonetization of silver, are likely, if attempted to be enforced, to end in distress and defeat.

Fourth. Therefore one of these measures will have to be abandoned, and that one is the demonetization of silver. In other words, we shall have to restore the double standard of gold and silver which existed from 1792 to 1873.

Fifth. I next review the relative value of gold and silver from the earliest times to the present, and show how constant that relation has been, particularly since the discovery of America and the opening of the East India and China trades, since which time and up to 1873 it scarcely varied from its pivotal point of  $15\frac{1}{2}$  to 1. The sources of this long-continued constancy of relation are then examined, and in their nature is found strong assurance that the relation will continue to be constant in the future.

Sixth. The principal and almost only cause of aberration in this relation is found to be the various edicts or enactments which in various countries and at various times have interfered with the freedom of money. Prominent among these were the demonetization of silver in England in 1816, the monetary treaty of the five powers in 1865, the demonetization act of the United States in 1873, and the pending measures of the German government. These various measures are adverted to and condemned as mischievous interferences with trade.

Seventh. The impracticability of abolishing the double standard is greatly strengthened by reference to the annual supplies of gold and silver separately since the beginning of the present century. From this reference it appears that the supplies of gold to the world have fluctuated between \$5,000,000 and \$182,000,000 per annum; that the supply has been diminishing since 1852, and that it is at the present time insufficient to meet the demands of the world for that metal for use in the arts and to keep good the wear and loss of coin. On the other hand, the annual supplies of silver have always been steady, and

are now but little above the average. Moreover, gold is shown to be essentially a British product, while silver is essentially American.

Eighth. I then propose to show the impossibility of resuming specie payments in gold, the disadvantages and danger of attempting to demonetize silver, the impracticability of demonetizing it permanently, and to discuss the various objections that have been urged against remonetization.

Ninth. I shall also endeavor to show that the effect of remonetizing silver, or rehabilitating the double standard, will be to equalize more nearly the values of the metals, so as to restore or tend to restore the relation that has hitherto, up to within a late date, existed between them for three centuries, and to afford a great impetus to the industrial and commercial prosperity of this country.

Tenth. I shall next endeavor to show that both gold and silver together at a relation fixed by law is the constitutional money of this country, and that all acts of legislation intended to subvert this institution are illegal and void.

Eleventh, and finally. I will quote the authority of the most eminent legislators and publicists in favor of the double standard.

#### THE FUNCTION OF MONEY.

Money has been fitly described as an instrument designed to equitably measure commodities and services with the view to effect their exchange either at present or in the future, and throughout the world. This is its specific function, and it has no other. The money of the world at the present time, the substance in which prices are quoted, contracts made, and debts lawfully paid consists of gold and silver coins. In most countries silver coins alone; in many countries both gold and silver coins at a relation of weight and value fixed by law as nearly as possible to the market or commercial relation; in a few countries gold coins alone. In some countries some form of paper notes, either representing or promising to pay one or both of the precious metals are employed at intervals as convenient substitutes or temporary expedients for money. In some countries silver tokens or partly representative coins; and in all countries tokens of copper, bronze, or other inferior metals are employed for small payments. The preference for silver and gold for money is the result of thirty centuries of every conceivable sort of experiment to obviate the use of the precious metals, and for this reason it is deemed hardly necessary in this place to advert more particularly to the numerous and well-marked characteristics which have procured for the precious metals this high preferment. Briefly, these are:

1. Eligibility of voluntary interchange into and with other forms of capital. This is the first and most necessary characteristic of money, the one without which it must prove useless. If its interchangeability instead of being voluntary is merely sustained by law, the



money cannot equitably measure future exchanges, for human law is mutable and subject to vicissitude, alteration, and overthrow. If its interchangeability is costly, as it would be if the money were made of iron or cotton, the money would be of inferior eligibility to money made of the precious metals, which are easily and cheaply convertible from coins into plate and other forms of capital, and from these forms into coins.

This quality of voluntary and economical interchangeability furnishes constant security to the holder of gold and silver money, a security which no act of legal tender can enhance. Money possessing this and the other characteristics hereafter named needs no law to make it current throughout the world. It is these characteristics which alone can give it currency; not the force of law, which is only the force of one nation at one time and as modified by the defects of administration and the friction of evasion. Since the arts of smelting and refining iron and the other more common and now more useful metals, and of making china and glass, were discovered and perfected, the forms of capital into which the precious metals can be economically converted are perhaps less numerous or important than formerly, many of the materials or instruments of reproduction or ornamentation which are now made of iron, glass, &c., having been formerly made of the precious metals; for example, saddlery-hardware, buttons, buckles, thimbles, bells, lamps, goblets, plates, ewers, basins, &c. Nevertheless the use of the precious metals for these and other and newer purposes, whence they are readily converted into coin, is still very important, as *e. g.* watchmaking, plate and plated ware, jewelry, regalia, pens, dentistry, &c. They are also largely employed in photography, sign-painting, bookbinding, printing, medals, &c.

The security thus afforded to the owner of gold and silver money is not merely confined to an assurance that he may obtain for it at the present time and anywhere a full equivalent for the commodities or services it costs; it extends that assurance, or the nearest possible approximation to it, over all time. The cheap convertibility of such money into other and numerous forms of usefulness is a check against the heaping up of such money; the cheap convertibility of plate, and many of the other forms into which the precious metals are usually cast, is a check against the depletion of such money. The relation between the supply and demand for the precious metals is by no means a constant one as to either or both metals; this relation varies, but the variation is less, and is spread over longer periods of time than in the case with any other commodity. Did the precious metals possess no other advantage over other commodities which might be suggested as useful for money, this one of minimum variability alone would be sufficient to render them pre-eminently fitted for that purpose.

2. Adequateness and steadiness of supply to the world. These characteristics are shared with the precious metals by many other commodities or instruments capable, or supposed to be capable, of measuring present and future values. On the other hand, there are others which do not share it, as the principal articles of food, clothing, and shelter, whose inadequacy and unsteadiness are proved by the limits which their supply puts upon population; it having been demonstrated that population would double in at least every twenty-five years, did the supply of the means of subsistence permit. Even the precious metals themselves have sometimes failed of adequate or steady supply, and never, without occasioning the direst calamities; but the danger is less with them than with any other commodities known to man, both because of their profuse and diffused distribution in the earth and of their lasting qualities when produced.

3. Diffusion of supply and consumption throughout the world and ease of recovery. The precious metals are found in all countries and used in all countries for purposes other than money. The diffusion of their supply and consumption is greater than that of any other commodities. In some countries there is no iron, in others no cotton, in others no wool, in others no grain can be grown or cattle raised, and even in many countries where iron is found there is no fuel for smelting it. The competition in smelting causes it to be essentially a monopoly in countries possessing the cheapest fuel. Similar considerations affect all commodities, but gold and silver the least. These metals are often found in a pure state, and were obtained in the early ages of mankind with the aid of a flint-chisel and sometimes even with the fangs of a boar. (Jacob, 17.) It is within the power of the humblest and most solitary adventurer to extract, refine, and coin these metals, processes which can be pursued with the other metals only by the help of co-operation and capital. The supply of the money of the world must be a monopoly to no country and to no class of men; otherwise the fortunes of all the rest might stand in imminent jeopardy from those who monopolized it.

4. Exemption from decay. The precious metals will neither corrode, oxydize, nor evaporate. They resist not only the atmosphere but the strongest acids. There is still extant a legible specimen of gold coins issued in Ionia about nine centuries before Christ. (App. Cyc., 12, p. 443.) There was a legible stamped gold coin in the Earl of Pembroke's collection which was issued by Darius of Persia, about four hundred and eighty years before Christ. (Jacob, 17.) The gold coins of Alexander the Great, about 330 B. C., which have never been excelled in purity of metal or boldness and beauty of design, are still so abundant that collectors regard them as less rare than any American gold piece of the last century. (App. Cyc., 12, p. 444.)

There are legible silver coins still circulating in England which were issued by the governments of ancient Rome. (MacLeod.)

In times of war and civil commotion, when the solemn earth becomes the womb of man's rehabilitation, as it had once been that of his existence, and is always that of his support, the quality of exemption from decay of the precious metals is not the least valuable one, nor are these the only times when such a characteristic proves valuable. Accidents from fire, water, and many other causes are continually happening to destroy man's possessions; but the precious metals survive them all.

5. The two precious metals are naturally complementary to each other. Hitherto the precious metals have been mentioned together, and the advantages ascribed to them attributed to both. This is quite correct if both be taken together, but not entirely so if either metal is taken singly. Some countries which produce gold do not produce silver; as Great Britain and its colonies. Others produce more silver than gold, as the United States, Mexico, and the South American states. In others, again, the gold and silver occur in the same matrix, as in the Comstock lode. Some countries consume little or no gold; others little or no silver. Hence the distribution of supply and demand varies; so does its steadiness. During certain periods of time the world's current supply, as compared with its current consumption, of silver, outruns that of gold, as it did from the beginning to nearly the middle of this century. During other periods gold outruns silver, as from about the year 1837 to 1870. Thus, taken separately, the precious metals do not exhibit those advantages which they possess together. Moreover, in many countries, the use of both metals for money is rendered necessary by reason of their very different value as compared with bulk or weight. These considerations will be alluded to again; they are only mentioned in this place in order to justify the employment of the dual term precious metals, and to account for their forming together the money of the world.

6. The superior ductility and malleability of the precious metals is one of the most important of their characteristics, for it renders the cost of manufacturing coins so small, as practically to entail no loss upon the owners in case it became desirable to reduce them to bars. This is always the case when legal enactments place a false or mistaken value (as respects commodities or services already sold, or contracted to be sold in future) upon the coins. The comparative cheapness and ease of transforming the coins into bars, in which form the metal is certain to command its true market value, affords a continual check upon legislation and defeats its every attempt to misvalue coins. Metals possessing inferior ductility are lacking in this advantage, the cost of making them into coins and the loss by reducing them to bars proving an obstacle to their quick and ready transmutation.

Substances other than metals do not possess this characteristic at all. The cost of manufacturing coins is called brassage, and is about one-half of 1 per cent. In some countries another and wholly indefensible charge, in addition to this, is imposed. It is called seigniorage, and consists of brassage and a profit. This profit is a royal prerogative, and, as its name indicates, is a relic of the feudal ages of the medieval Europe.

There are other well-marked characteristics which render the precious metals superior to all other instruments or services susceptible of being employed to measure values. The homogeneity of these substances renders their genuineness and purity easy to test and difficult to counterfeit or impair; enables all bodies of them, however large or small, easy to divide or unite, and without adding to, or diminishing, the labor or service which they represent. They are easier to transport and conceal, less liable to abrasion, and, being inodorous, are less offensive to handle than other substances.

It is difficult to estimate what relation the cost of this instrument bears to that of the commodities and services it measures, because the commerce of the world is carried on largely by means of paper instruments, some of which are indeed based upon the metals and merely represent them, while others are based upon private or corporate credit, and still others on no credit at all but mere force of law. There is another difficulty in making such a calculation; that which arises from the well-known fact that a vast number of the largest transactions consist of stock-jobbing, or mere bets clothed in the garb of business operations. Making a reasonable allowance for these facts, it has been calculated that specie measures ten thousand times its own value every year, and that taking gold and silver together in the actual proportions in which they exist in the currencies of the world, specie will last, as against abrasion, loss by accident, &c., about a thousand years.\* Upon this basis the actual cost of this instrument is an infinitesimal charge upon each transaction, probably as little as that caused by the wear and tear of any other measure, as a tape-line, a pint-pot, a bushel-basket, &c.

On the other hand, money made of the precious metals has several defects. It is somewhat costly to produce, it is somewhat expensive to transport. It is always a misfortune to society, as well as to the individual, when specie is lost at sea, or buried in hoards the secret of which does not transpire. It is subject to loss from abrasion, it fluctuates in value, and the two metals fluctuate unevenly.

Some of these defects have been remedied by the invention of expedients. Transportation and loss are measurably obviated by bills

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\*According to Jacob, the stock of coin in Europe at the beginning of the present era received little or no addition until the discovery of America. This was a period of fifteen hundred years, during which the stock dwindled down to little more than 10 per cent. of its original dimensions.

of exchange and places and certificates of deposit : abrasion is lessened by the use of alloy in coins ; the uneven fluctuation of the two metals is remedied by a double standard, which, by fixing a mean relation covering a long period of time, past and prospective, enables both metals at that relation to be employed all the time.

There remain two other defects : the first cost of the precious metals and their fluctuating value as a duality even after such fluctuation has been lessened by using them together. These defects are extremely small and are of a nature which renders them unavoidable by any safe or practicable means.

Let us begin with the question of cost. Present and future values cannot be equitably or nearly equitably measured by anything that is not capable of being voluntarily and readily interchanged with other forms of capital ; in a word, by anything that of itself does not contain or represent an amount of labor or service easy to determine, and of a kind appreciable to and exchangeable with all mankind.

Value, which is not to be confused with either worth, utility, or desirability, is the quantitative relation between two services exchanged. (Bastiat, *Harmonies Political Economy*, pages 108 and 109.) This relation can only arise in the social state ; while worth, utility, and desirability are qualities appreciable to the isolated man as well as to society. Value is not a quality inherent in a service ; as worth, utility, and desirability are ; it is simply a relation between two services exchanged.

A measure of value must therefore be a service of some sort, and the more universally such service is appreciated the better measure will it afford. An abstraction, as an imaginary money of account or an irredeemable credit, cannot measure the quantitative relation between two services, and hence cannot be a measure of value.

There is an easy method of testing this assertion. Repeal the promise of payment which now causes Treasury notes to usurp the place of specie, and observe what kind of money will continue current and what not. It will then be seen that the precious metals will circulate as before without the least abatement, indeed with a slight enhancement of their purchasing power. This, indeed, is the case in China, a country which tried fiat currency six hundred years ago, but in which, in spite of the fact that there are now neither legal-tender nor coinage laws, gold and silver both circulate at even a higher value than in countries where such laws are in full force and effect.

If the impracticability of employing irredeemable credit for the purpose of money be admitted, and it is still claimed that some form of redeemable credit, as national, or bank, or individual notes, may with advantage be used as money in order to save the cost of the



precious metals, the claim is admitted. There is and can be no objection to the use of such credit so long as its use, like that of the Scotch bank-notes, is entirely voluntary. The moment that legislation or any arbitrary act interferes to place it above this level, its use is fraught with danger. The advantage to be gained, which is merely that of saving the cost of the precious metals in a currency of safe and universally acceptable material, is wholly inadequate to the risk run. And on this point it is never to be lost sight of that so long as we continue to be, as we are, one of the principal producers of the precious metals, we lower to a small extent the value and selling price of all the metal we may have to export, by every expedient, the effect of which is to throw it out of employment in our own country.

In saying this, it is not intended to deny the advantage of employing credit as a convenient and economical medium of exchange; but such credit must rest upon so firm and broad a foundation of the precious metals as not to need the aid of legislation to prop it up. In other words, its use must rest upon the same foundation as the use of the precious metals themselves—common and voluntary consent.

As to the other unavoidable defect of money made of the precious metals, its fluctuating value, it can only be replied that this fluctuation is exceedingly slow. That is all the defense of it there is, and there can be no better one, for all measures of value must fluctuate, though none of them less than the precious metals. There are men who have imagined an absolute and fixed measure of value, as there have been others who imagined a fixed earth or a fixed sun, an absolute or unconditioned quality or quantity, &c. To such men it need only be replied that there is nothing fixed or absolute; nothing, at least, that the senses of man can perceive or his mind imagine. All is in motion, all is conditioned. The universe and all it contains is incessantly in action, and even the adjectives of language which are employed to qualify or characterize the objects brought to our conception are themselves relative and conditioned. A fixed measure of value is an inconceivability; we can but prefer for such a measure the commodities or services which fluctuate in value the least, and these are the precious metals.

This brief exposition of the functions and characteristics of money may be still more briefly summarized as follows:

1. Money is an instrument voluntarily adopted to equitably measure values, present and future.
2. Value is the relation between two commodities or services exchanged.
3. Hence money is the measure of the relation between commodities and services exchanged.

4. This measure is formed most conveniently and equitably of both the precious metals taken together.

5. Legislation cannot make or unmake money. It may temporarily exalt or depress the value of one metal as against the other, but only temporarily; it may disturb, but it cannot permanently alter or destroy. Gold and silver are money in virtue of their own superiority, and they owe none of their rank to law.

The extent to which legislation can be beneficially exercised with regard to money is to quantitatively define the names of coins, to guard against confusion, counterfeiting, &c., by manufacturing them in a public mint, and to save the transportation and abrasion of them by receiving them on deposit and issuing certificates therefor. (Herbert Spencer, in *New York Social Science Review*, page 137.)

To insure the fourth provision, that both the precious metals shall form the ingredients of money, it is essential that no legal obstacle shall be placed in the way of the voluntary use of either; that one, equally with the other, shall be a legal tender to an unlimited amount, at a quantitative relation fixed from time to time in view of the past and probable future market ratio of these metals. To these must be added copper tokens for petty sums, and upon the whole will naturally arise a paper credit peculiar to each country; a credit whose volume will regulate itself in view of the basis beneath it, in view of its command of the precious metals, in view of the wants of industry and of the conditions of security which exist within the social or political organization to which it belongs.

These are the essential principles of money which seem to be deducible from the united testimony of history, experience, and reflection. When we come to apply these principles to any existing monetary system not in accordance with them, as is the case with that of this country, we are in the position of a physician who, believing himself to be acquainted with the laws of health, may nevertheless be puzzled how to prescribe for a given case of disease. Happily I have no such task before me. My single object is to remove an impediment to recovery, an impediment the nature and importance of which will, I believe, be recognized as promptly by those who may differ with me as to what are the true principles of money as by those who may agree with me in regard to those principles. The removal of this impediment, while it will afford that ease which one school of currency demands, nevertheless affords it entirely within the scope of action which the other school prescribes. It simply proposes the re-establishment of the double standard, unwisely abolished by the act of 1873, a piece of legislation whose evil effects can only be estimated by referring to that history of money from which I have ventured for a few moments to digress.

These views are not merely those of the ablest men, who have devoted their attention to the subject; they are gathered from the history of money from the time when this instrument was first known to mankind to the present. They are enforced not only by precept, but by example; they are written in the rise and fall of states and of social systems, in revolutions, in wars, in the annals of freedom and in those of feudalism and slavery. They are imprinted in sweat, and tears, and blood; and to disregard them is to disregard the lessons of thirty centuries of time.

The use of gold and silver for money is not a recent one, neither were these costly metals adopted for the purpose until after every other expedient practicable at the time had been tried. The following table furnishes a list of these expedients and other chronological data in reference to money:

*Table showing some of the substances which have at various periods and in various countries been used as money.*

Period.	Country.	Substance used as money.	Authority.
B. C 1900	Palestine .....	Cattle, and gold and silver by weight.	The Scriptures.
	Arabia .....	Gold and silver coins.....	Jacob
	Phœnicia .....	Gold, silver, and copper coins	Anonymous.
	Phœnician colony in Spain.	Same, (some still extant)....	Carter.
1200	Phrygia .....	Coins by Queen of Pelops ...	Julius Pollux.
1184	Greece.....	Brass coins .....	Homer.
862	Argos .....	Gold and silver coins by Phidon.	Dictionary of Dates.
700-500	Rome .....	Brass by weight.....	Jacob.
578	Rome .....	Copper coins .....	Ibid.
Uncertain.	Carthage .....	Leather or parchment money, first "paper bills" known.	Socrates, Dial. on Riches, Journal des Economistes, 1874, p. 354.
491	Sicily .....	Gold coins by Gelo, (some still extant.)	Jacob.
480	Persia .....	Gold coins by Darius, (two still extant.)	Ibid.
478	Sicily .....	Gold coins by Hiero, (some still extant.)	Ibid.
407	Athens .....	Debased gold coins, foreign..	MacLeod, 476.
400	Sparta .....	Iron, overvalued.....	Bœekh.
360	Macedonia.....	First gold coins coined in Greece by Philip.	Jacob.
266	Rome.....	First silver coins coined in Rome.	Ibid.
54	Britain .....	Pieces of iron .....	Ibid.
50	Rome .....	Tin and brass coins .....	Dic. of Dates.
Uncertain.	Arabia.....	Glass coins .....	N.Y. Tribune, July 2, 1872.

## A. D. PERIOD FOLLOWING THE FAILURE OF THE ANCIENT MINES.

212	Rome, (Caracalla.)	Lead coins silvered and copper coins gilded.	Anonymous.
1066	Britain .....	Living money, or human beings made a legal tender for debts at about £2 16s. 3d., <i>per capita</i> .	Henry's History of Great Britain, vol. iv, p. 243.

## A. D. PERIOD OF REPRESENTATIVES FOR MONEY.

1160	Italy.....	Paper invented; bills of exchange introduced by the Jews.	Anderson.
1240	Milan, Italy .....	Paper bills a legal tender....	Arthur Young.
1275	China.....	Paper bills a legal tender....	Marco Polo.
	Africa, part of....	"Machutes," (ideal money. This view doubted.)	Montesquien.
1470	Granada, Spain .....	Paper bills a legal tender....	Irving.
1574	Holland .....	Pasteboard bills, representative.	Dic. of Dates.
Uncertain.	Iceland .....	Dried fish .....	Anonymous.
Uncertain.	Newfoundland .....	Codfish, dried .....	Anonymous.
Uncertain.	Norway and Greenland.	Seal skins and blubber .....	Anonymous.
Uncertain.	Hindustan and parts of Africa.	Cowry shells .....	Jacob, 372.
Uncertain.	North America Indian tribes.	Agate, carnelian, jasper, lead, copper, gold, silver, terra-cotta, mica, pearl, lignite, coal, bone, shells, chalcedony, wampumpeag, &c.	Anonymous.
Uncertain.	Oriental pastoral tribes.	Cattle, grain, &c .....	Anonymous.
Uncertain.	Abyssinia .....	Salt .....	Anonymous.
Uncertain.	China and India..	Rice .....	Anonymous.
Uncertain.	India .....	Paper bills .....	Patterson, p. 13.
Uncertain.	China .....	Pieces of silk cloth.....	Ibid.
Uncertain.	Africa .....	Strips of cotton cloth.....	Ibid.
	Not stated .....	Wooden tallies or checks .....	Ibid.

## A. D. PERIOD FOLLOWING THE DISCOVERY OF THE AMERICAN MINES.

1631	Massachusetts ....	Corn a legal tender at market prices.	Macgreggor.
1635	Massachusetts ....	Musket-balls .....	Anonymous.
1690	Massachusetts ....	Paper bills, colonial notes....	Macgreggor.
1694	England .....	Bank-notes .....	McCulloch.
1700	Sweden .....	Copper and iron coins.....	Voltaire's Charles XII.
1702	South Carolina....	Colonial notes .....	Macgreggor.
1712	South Carolina....	Bank-notes .....	Ibid.
1716	France.....	Interconvertible paper bills a legal tender.	Murray.
1723	Pennsylvania .....	Paper bills, colonial notes .....	Macgreggor.
1732	Maryland.....	Indian corn a legal tender at 23d. per bushel.	Anonymous.
1732	Maryland.....	Tobacco a legal tender at 1d. per pound.	Anonymous.
1776	Scotland.....	Tenpenny nails for small change.	Adam Smith.
1785	Frankland, State of, (now part of North Carolina.)	Linen at 3s. 6d. per yard, whisky at 2s. 6d. per gallon, and peltry as legal tender.	Wheeler's History of North Carolina, 94.

## A. D. PERIOD FOLLOWING THE FAILURE OF THE AMERICAN MINES.

Period.	Country.	Substance used as money.	Authority.
1810-1840	All commercial countries.	Great era of bank-paper bills.	
1826	Russia.....	Platinum coins, (discontinued in 1845.)	App. Encyc.
1847	Mexico, parts of..	Cocoa beans; and at Castle of Perote, soap.	Anonymous.

## PERIOD FOLLOWING THE OPENINGS OF CALIFORNIA AND AUSTRALIA.

1849	California.....	Gold dust by weight, also minute gold coins for small change, coined in private mints.	
1855 185-	Australia..... Communist settlement in Ohio, called "Utopia."	Gold dust by weight. Paper bills, each representing "one hour's labor."	Private information.

## PERIOD FOLLOWING SUSPENSION OF SPECIE PAYMENTS IN THE UNITED STATES.

1862	United States.....	Paper bills a legal tender....	Act of Feb. 25.
1863	North Carolina ...	Tenpenny nails, at 5 cents each, for small change.	Anonymous.
1863	Camp at Florence, South Carolina.	Potatoes for small change ...	Yorkville Enquirer.
1863	United States.....	Postage-stamps for small change, temporary.	
1865	Philadelphia, Pa..	Turnips for small change, temporary and local.	Philadelphia Ledger, April.
1865	United States.....	Nickel coins for small change, overvalued.	Act of March 3.

It will be observed that the commodities selected to serve the purpose of money during those early ages when the countries of the world were not connected by commerce were always those of adequate, steady, and diffused supply, and therefore of most common acceptance in each country. Thus, in forestal ages, the skins of wild animals were usually employed; in pastoral ages, cattle;\* in early agricultural ages, grain; in early mining ages, base metal; in early manufacturing ages, glass, musket-balls, nails, strips of cotton, &c.

The significance of this deduction will not fail to be appreciated. After commerce had connected many of the countries, substances common to all countries, namely, the precious metals, were found to be necessary for the purpose of money, and later still, balances of trade were settled by means of bills of exchange representing those metals; and it is worthy of remark that gold and silver are the only substances which have ever been universally used for money.

Development from the early agricultural to the mining, manufact-

\**Shekel*, a lamb; *pecus*, (whence pecunia, pecuniary, &c.,) cattle; *feoh*, (whence fee, Saxon, German, &c.,) cattle.



uring, and commercial ages indicates not only a development of occupation, but also a development of political organization. The hunter, the shepherd, the early agriculturist, needed neither social organization nor government. He could prosecute his occupations alone; and in these stages of development mankind lived in isolated families or small tribes of freemen. The progress of agriculture and of mining, which must have followed agriculture,<sup>†</sup> of manufacturing and of commerce, rendered fixed residences and division of labor necessary, and the protection of the one and regulation of the other demanded the offices of government. The hunter and shepherd could defend himself and his possessions or convey them out of the reach of enemies; the agriculturist, miner, manufacturer, and merchant needed the protection of a military force and the security of well-executed laws.

Following the local or feudal powers which sprang into existence to meet these demands came also those abuses which always, sooner or later, accompany the exercise of power.

The warrior classes reduced the working classes to a condition of predial servitude, and those who at first were mere chieftains of choice became arbitrary and despotic lords paramount. Not least among the powers which they abused were those relating to the coinage and denomination of the precious metals.

Up to this period in the history of countries it is to be remarked that, whatever substance came to be employed for money in each country, whether, as at first, the peculiar and most common product of each respective country, or, as afterward, those substances more or less common to all countries and most convenient everywhere, namely, the precious metals; such substance was employed, as it is now in China, without command or force of law. The importance of this fact cannot be overestimated, for its recognition must ever form the basis of all sound legislation upon this subject. The precious metals do indeed, no doubt, derive some small element of their purchasing power from the fact that now all governments provide that, when coined in a certain way, they shall be a legal tender for the payment of debt; but this element of value is very small, and probably does not exceed the seigniorage or charge for coinage. Whatever it may be, it is so small that there can be no risk in asserting that, were all the legal-tender laws of the world repealed to-day and forever neither gold nor silver would lose an appreciable atom of their power to purchase present commodities, secure future contracts, or pay past

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<sup>†</sup> Mining doubtless originated in that up-turning of the soil which occurs in the pursuit of agriculture. Indeed, history affords an instance of the kind. "In Pæonia the husbandman, while plowing, found pieces of gold." Strabo, VII, (Chrestom.) page 331, as quoted in Breckh, page 10.

debts. Indeed, with the example of China before us, an example which in this respect at least is not without utility, it is believed to be more than probable that their purifying power would increase; for setting aside the effect of such repeal upon the continuance of unrepresentative paper notes, it would dissipate the very considerable fears that now attach themselves to every contract wherein the words dollar, pound, or franc are employed to express a given weight of metal.

It has been stated that with the growth of governmental power came abuses in coinage and the denomination of coins. These abuses, like all others, were of gradual growth. The power and authority of feudal lords and monarchs were first employed in this respect beneficially and government was exercised within its proper scope. Local, separated, and diverse systems of weights and measures and of the weights and measures of gold and silver pieces gave way to national, united, and uniform systems. Isolated and anomalous measures of values, adopted in small localities for greater temporary convenience—as pieces of iron in Africa and Sparta and of glass in some parts of Arabia—were prohibited by legal-tender laws; for, so long as they were suffered to exist, they promoted provincial isolation and defeated national homogeneity and political unity. The same laws also provided in what substances debts were to be paid in cases unadjudicable either by express stipulation or common usage.

In these early ages, while men yet retained the power to resist misgovernment, the names attached to pieces of the precious metals were always those of the weights contained in such pieces, as the Jewish shekel, of nearly one-half of an ounce troy; the Attic drachma, of little more than one-fourth of an ounce troy, &c.

To prevent counterfeiting\* and economize time, and thus facilitate exchanges, these pieces of metal were ordered to be coined, and governments monopolized, as governments do still, the function of coining. To the coins thus manufactured were given the names of their weights, and thus far the laws regulating the coinage of the precious metals were honestly conceived and probably as honestly executed.

With the lapse of time, however, coupled with use of coins and the increasing power of authority, abuses crept into the coinage which have lasted to this day. The names of coins, which at first were literal weights, came, for convenience' sake, to be used as symbols; and men no longer bargained for so much gold or silver as would weigh a shekel or a drachma, but for so many shekels or drachmas "current with the merchant." In this state of affairs the temptation on the part of rulers and the classes who environ power to commit abuses became too strong for resistance.

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\* False gold coins from Samos were successfully passed in Sparta so early as B.C. 540. (Bœckh, 233.)

Owing to the frequency of the practice of degrading and debasing the coins in all countries and ages, the quantitative meaning attached to the names of coins has been so often changed, that to interpret these names or the sums of money mentioned in them, in ancient or mediæval historical works, into modern weights is almost an unsafe proceeding, even in the hands of professional metrologists.\*

In order to deceptively reduce the pay of the army, what more easy method offered itself to a ruler than that of diminishing by decree and recoinage the weight of pure metal in the "drachma." In order, at other times, to exact greater fees or subsidies, what more easy expedient suggested itself to a feudal lord than to increase the weight of the "drachma?"† In cases where the ruler was not unscrupulous enough to tamper with the coin for his own profit, there were never wanting powerful classes of men, both ecclesiastical and secular, to urge him to similar practices for their advantage. Though instances occur in history where the standard was restored after the coins had been debased, the general course of affairs was in the opposite direction—a fact due to the inability of the government to redeem the debased coin.‡

I do not propose at this time to enter any further into the history of these events; my object thus far having been merely to show that money, in the early ages, whatever it was made of, came into use voluntarily; was always composed of substances of supposed adequate and steady supply; owed none of its utility to legal-tender laws, which were originally enacted for other and more practicable purposes; and up to the period of the Dark Ages in Europe had consisted for at least three thousand years of gold and silver coins only.

We have now to consider three other points in this connection: the world's supply and consumption of the precious metals, the effects of an inadequate or monopolized supply, and the necessity of adhering to both of the precious metals for the basis of a national currency, whether the same shall consist wholly of the precious metals or partly of convertible paper credits or representative money.

#### HISTORY OF THE SUPPLY AND CONSUMPTION OF THE PRECIOUS METALS IN EUROPE

The repeated destructions of historical works previous to the invention of paper and the subsequent one of printing, have left us but little exact information on this subject. We only know generally that previous to the Macedonian empire both of the precious metals

\* The "dollar" of a few grains weight was formerly the "thaler" of more than an ounce, and anciently the "talent" of many pounds.

† See instance of Lord King's exaction of his tenants' rents in gold during the bank suspension. (MacLeod's Dictionary, Polit. Econ., I, 98.)

‡ The gold scriptulum was debased in Rome so early as B. C. 207. (Bœckh, 44.)

were comparatively common in farther Asia\* and scarce in Europe. This much we gather from the sizes of the pieces that were coined and used for circulating money in the respective regions, the prices of commodities and services, the enumeration of royal and princely treasures, and the employment of the precious metals in the arts. The relation of gold to silver in ancient and farther Asia has not been determined.

At a later period, about B. C. 500, we hear of it in Persia, at 1 to 13. After this period and on this point the annals of the Orient were closed for many centuries. At about the same period the relation of gold to silver in Europe was about 1 to 12.5. From this relation gold rose to 1 to 13½ and even 15, until the time of the expeditions of Alexander the Great. These, through the influence of the vast treasures in gold of which they despoiled the eastern countries, brought gold down again to 1 to 10, at which rate it stood in the time of the comic poet Menander, about B. C. 300. That it was the fluctuations in the supply of gold, and not those of silver, which occasioned the most of these changes in relation, we are assured from the sporadic influxes of gold alluded to, and from Xenophon's encomium on silver, written about B. C. 383; while Bœckh himself, in his work on The Public Economy of the Athenians, from which these details are gleaned, says generally that "the value of gold is more fluctuating than that of silver," and that "the latter, therefore, may be considered the scale for determining the price of gold as well as of other commodities." (Bœckh, 33.)

After the Macedonian conquests the stock of the precious metals in Europe increased very rapidly until at about the beginning of our era, when, according to the estimate of Mr. William Jacob, it amounted throughout the Roman empire to a quantity equal in value to about \$1,740,000,000 of the present time. The relative proportions of gold and silver are not calculated. The relation of value between the metals in the Roman empire was, about B. C. 207, 1 to 13.7; and about B. C. 50, or 64 years before the period of Jacob's estimate, 1 to 11.9.

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\* There is an instance in Strabo's sixteenth book of an eastern country, (possibly India,) bordering on that of the Sabæus, (Arabia) where gold to silver was only 1 for 2, and to bronze only 1 for 3. With the instance before us of modern Japan, where gold (purity not stated) was quoted in 1853 at 1 to 4 of silver, it may seem bold to challenge this assertion; but other instances in regard to China assure us that oriental quotations are unreliable, from the fact that in the early ages gold and silver ingots, impure and largely burdened with base substances, circulated as money, and the quoted relation referred to the value of these impure ingots and not to the value of the pure metals. Consult a pamphlet by "a disciple of Franklin," in American Philosophical Society library, Philadelphia, No. 6332, page 9, where it is stated that Chinese gold from Sumatra, Celebes, &c., was but 16 to 18 carats fine, and that the relation in China in about the year 1810 was 1 in gold, *as thus found*, to 12 in (pure) silver. At least we can feel fully assured that the relations mentioned by Strabo were local and only referred to the particular locality indicated. Consult Bœckh, page 43. Another anomalous and still more extraordinary though possibly not unauthentic instance of the kind is related in Jacob's History of the Precious Metals, page 57.

From about the beginning of the Christian era to the present time the history of the precious metals has been traced very closely and with great labor and acumen by three great historians: William Jacob, whose work covers the entire period from the year 14 to the year 1830; Baron Von Humboldt, whose work covers the period from the discovery of America until the early part of the present century; and Michel Chevalier, whose work brings the history up to within twenty years of the present time.

The salient points of this long though extremely interesting history are: First, the separation of the Asian and European histories of money from the downfall of the Roman military power until the eastern trade was re-opened in part by the medieval Italians and Arabians and wholly by the Portuguese navigators; and, second, the failure of the European mines previous to the downfall of Rome and the gradual decline of the stock of precious metals thenceforward until the ninth century; its stationary condition until the discovery of America; its rapid increase thereafter until about the beginning of the present century; its subsequent temporary decline from the year 1809 to 1830; its slow increase thereafter; its rapid increase from the time when the effects of the opening of the Russian, American, and Australian mines were felt until within late years; and its stationary condition at the present time.

Omitting from further mention all that is not necessary for the purposes of this review, let us briefly follow Mr. Jacob's history of the precious metals from the beginning of the Christian era.

From the enormous wealth of individuals, the high prices of commodities and services, the vast revenues of the state, and other circumstances, Mr. Jacob conjectured that in the time of Augustus Caesar the quantity of money in existence in ancient Rome, which then substantially comprised the whole civilized world, was £358,000,000, or about \$1,740,000,000. The correctness of this sum is deemed to be rendered the more probable from the fact that Vespasian, when afterward he succeeded to the imperial dignity, asserted that a sum equivalent to £322,916,600 was necessary to support the commonwealth—meaning, not the government, for neither the annual revenue nor the accumulation of the treasury bore any proximate relation to this vast sum, but the nation at large. It is believed that he mentioned a sum which coincided, as far as is known, with the whole mass of coined money then believed to exist, and upon this supposition, and the inferences to which it leads, historical writers have hitherto been content to rest.

A few instances of the abundance of money at that period may not be out of place. Crassus possessed in lands *bis millies*, (£1,615,000,) besides many slaves and furniture valued at much more. Seneca possessed *cer millies*, (£2,420,000;) Pallas an equal sum; Tentullus,



*quarter millies*, (£3,230,000;) Augustus Cæsar obtained from private legacies *quarter decies millies*, (£32,300,000,) and Tiberius left at his death *vigesies cisepties millies*, (£21,800,000,) which Caligula lavished away in a single year. Cæsar when he went to Spain was in debt £2,018,000, and Antony squandered of the public money more than £5,600,000 sterling.

These facts were compiled by Jacob chiefly from Adams's Roman Antiquities, while the sterling sums were computed by Arbuthnot. I prefer to retain them as originally computed.

Augustus frequently gave *congaria*, ranging from 4s. 10d. to £2 2s. 1d. per head, to the whole population, men, women, and children; and at his death, left all the common men £2 8s. 5d. each. In this prodigious liberality he was even exceeded by several other emperors, but the instances demand too much space. Milo gave each voter a bribe of £32 8s. 10d. Claudius promised each soldier for his vote £113, and Julian £210 16s. Otho promised to the retainers of Galba a reward of £403 12s. each, and paid them £80 14s. in advance, &c.

In the time of Augustus the gold and silver mines which had kept good Rome's supply of treasure gave out and ceased to be worked. Moreover, there was no more spoil of the precious metals to be obtained in Asia or Northern Europe.

This was due to the exhaustion of those conquered countries, to the unsettled condition of the empire, to wars, the incursions of barbarians, the insufficiency of mechanical resources, the loss of life and hardships of the slaves employed in the mines, which induced them to desert their occupation whenever civil commotion afforded them a convenient opportunity, and to other causes set forth by our author.\*

From that time, therefore, the stock of money decreased, and it has been calculated that the decrement proceeded at the following rate:

Year of the Christian era.	Stock of coin in civilized world.
14 .....	£358, 000, 000
50 .....	322, 200, 000
86 .....	287, 980, 000
122 .....	259, 182, 000
158 .....	233, 263, 800
194 .....	209, 937, 420
230 .....	181, 943, 678
266 .....	163, 749, 311
302 .....	147, 374, 380
338 .....	132, 626, 942
374 .....	119, 373, 248
410 .....	107, 435, 924
446 .....	96, 692, 332

\*An ancient law of the Roman senate actually forbade the Italian mines to be worked at all. (Pliny, book iii, chapter 6, quoted in Jacob, 51.)

Year of the Christian era.	Stock of coin in civilized world.
482 .....	87, 033, 099
518 .....	78, 229, 700
554 .....	70, 406, 720
590 .....	63, 364, 057
626 .....	57, 027, 653
662 .....	51, 324, 889
698 .....	46, 192, 399
734 .....	41, 573, 160
770 .....	37, 415, 840
806 .....	33, 674, 256

A calculation so hypothetical as this must not, of course, be taken too literally. It is sufficient if its general correctness is supported by all the facts we know, and this seems to be the case. The gradually deepening misery of the populations of Europe during the medieval ages, the decay of the civil law, the demoralization of society, the disintegration of government and authority, the institution (probably re-institution) of feudalism, the poverty, filth, pestilences, abominable crimes, ignorance, and wretchedness that characterized this period of history and gave to it its well-deserved name of the Dark Ages—these facts are too well known to need repeating. That such a condition of affairs was promoted solely by means of a gradual and constant diminution of the currency is not contended; though it would not be difficult to argue the result from the predicate. But that the diminution of the currency largely contributed to bring it about and maintain it may be affirmed with entire confidence; and the careful thinker will find it difficult to discern a cause that will more satisfactorily account for that extraordinary breaking up of governments and arrest of social development and of the growth of population which occurred in Europe from about the beginning of the present era to the time of the discovery of America.

From the age of Augustus Caesar to that of Charlemagne and the Saxon heptarchy is like going from the mouth to the bottom of the ancient mines—above, all lightness, happiness, and life; below, all darkness, misery, and death.

These were the ages of alchemists and false coiners. They both sought to obtain gold from base metals; the first by transmutation, the others by arrant roguery. The base pieces they produced were known by the names of pollards, crocards, schuldings, brabants, eagles, leonines, sleepings, &c. Those who were pitched upon as the fabricators of these pieces were visited with fearful punishment. Racking, pressing to death, burning, drowning, and tramping were common enough. Whole families were exported, whole communities robbed and banished, under the pretense of punishing coiners.

Such was the scarcity of the precious metals that *living money* was used instead. This consisted of *men and women*, who were thus passed from hand to hand as a legal tender. (Henry's History of Great Britain.) The poverty and degradation of the people were inconceivable. The price of a hawk was the same as that of a man, and robbing the nest of one was as great a crime as depriving of life the other. (Jacob on Precious Metals, p. 170.) Famine and pestilence, superstition and tyranny, terror and outrage, reigned supreme.

These were the Dark Ages; and so profound were the depths into which they cast humanity that nearly a thousand years later Arthur Young thus quoted from the *cahiers* of the "*tiers état*" of that feudal system to which the Middle Ages had given birth:

Fixed and heavy rents; vexatious processes to secure them; appreciated unjustly to augment them; rents *solidaires* and *recoillables*; rents, *cheantes*, and *levantes*; *fumages*. Fines at every change of the property, in the direct as well as collateral line: feudal redemption (*retraite*) fines on sale to the eighth and even the sixth penny, (part;) redemptions (*rachats*) injurious in their origin, and still more so in their extension; *banalite* of the mill, of the oven, and of the cider-press; *corvees* by custom; *corvees* by usage of the fief; *corvees* established by unjust decrees; *corvees* arbitrary and even fantastical; servitudes; *prestations*, extravagant and burdensome; collections by assessments incollectible; *aveux*, *minus*, *impunissement*; litigations, ruinous and without end; the rod of seigneurial finance, forever shaken over our heads; vexation, ruin, outrage, violence, and distinctive servitude, under which the peasants, *almost on a level with Polish slaves*, can never but be miserable, vile, and oppressed.

Even the liberty to bruise between two stones a measure of barley was sold to these miserable creatures, while the names of the torturers to which they were subjected are eloquent in their very jargon and variety.

In order to preserve the game, in the pursuit of which the nobles trampled down the wretched crops and rode over the very bodies of the poor, there were numerous edicts, which prohibited weeding and hoeing, lest the young partridges should be disturbed; steeping seed, lest it should injure the game; manuring with night-soil, lest the flavor of the partridges should be injured by feeding on the corn produced, &c.

Recollect that this was nearly a thousand years later than the period from which we have digressed, when, instead of tending downward, as it did until the middle of the twelfth century, society, under the combined influences of an increasing stock of coin, an increasing diffusion of wealth, and increasing industrial activity, was rapidly progressing toward liberty and affluence. Consider, then, what must have been the condition of affairs in the year 806; a period so unspeakably wretched that we have not even a contemporary account of its wretchedness.

Gold was nowhere to be had, and the few gold pieces in circulation were of an ancient Byzantine coinage, (Jacob, 169;) while silver was

so scarce that, together with gold, it was at a subsequent period forbidden by an act of Henry V to be used in the arts. (Ibid., 167.)

These instances could be multiplied almost indefinitely, but it is not necessary. It is sufficient if they attest the poverty, wretchedness, and tyranny that attend a decline in the quantity of money or of the only bases upon which any system of money, representative or partly representative, can stand—the precious metals.

I am aware that the reply to this implication may be that it makes no difference how much the stock of coin is, if its only function is to measure value which is merely a relation. This position I admit to be well taken if the stock of money remains forever stationary, or rather stationary *per capita* of population. In such case a grain of silver will measure quite as effectually the relation between a day's work and its equivalent in commodities as a pound of silver will, with a stock of coin fifty-seven hundred and sixty times as great, and if money was already not concentrated in a few hands and there were no debts. The only limitation to the perfect equality of these two conditions of affairs would be that in the one case coins might have to be made too small for convenient handling, or in the other too large.

But in point of fact there is not and never can be a continuously stationary amount of money in existence or even a stationary amount *per capita*. Money, as related to population, has a natural tendency to increase in quantity, because increase of money quickens industry and distributes wealth. Opposed to this tendency are wars, the failure of mines, the abrasion and loss of the precious metals, the insufficiency of mechanical resources, and the influence of wealthy classes. We have seen to what an appalling strait the first three of these causes brought, or assisted to bring, the European world—a strait in which it remained for nine hundred years, until it was freed by the discovery of the mines of Potosi. We shall yet see how the fourth cause operated at about the beginning of this century, and how the fifth cause is operating now.

These opposing tendencies, operating with varying force, alternately diminish and increase the stock of precious metals, and place the subject quite beyond the category of fixed things. There is nothing fixed about it, and legislation must deal with it with all its eyes and ears opened. Left to itself and the industry and self-seeking of mankind, money would increase as all other commodities increase, and society would rapidly undergo that equalization of wealth which the vagaries of fortune would stamp with equity; but reduced to an unwilling wardship by monarchs and legislatures, dragged hither and thither at the nod of plutocrats, legal-tendered, single-standardized, royaltied, taxed, and bedeviled in every imaginable manner, it has been restrained and dwarfed in its increase, and made to become the instrument of half the misrule and misery which the world has undergone.

Though there was no increase in the European world's stock of coin from the beginning of the ninth century until the discovery of America, nevertheless there was no diminution. This arrest in the shrinkage of money is due to the invention, or, more probably, the re-invention of bills of exchange, which served to quicken money and enable a limited stock to perform the work of a large one.

The bill of exchange was unknown to the ancient Greeks and Romans. They were even without the use of paper upon which to inscribe these instruments, obligations of debt even so late as the time of the Roman empire having been inscribed upon tablets of wax; the limited supply of parchment being reserved for the higher purposes of literature. Paper was made in China so early as the second century before Christ, at about which time papyrus was invented in Egypt and parchment in Europe.

It is difficult to conceive of a great commercial nation—and there certainly was such a one at the time mentioned—having the use of paper and ignorant of the device known as bills of exchange. Be this as it may, an instrument known as the *hoondee*, and corresponding precisely with the modern bill of exchange, was known in India at a very early date; and the Hebrews, always a trading race, who were among the first to trade with India, “by Tadmor in the desert,” very likely learned its use from that country.

These historical conjectures are, however, of little practical value in this connection. The material point is that no sooner was paper invented or introduced into Europe, and possibly a little before,\* than bills of exchange came into use, and that these events correspond with the time of lowest diminution in the stock of coin in Europe.

It has been suggested by some writers that the invention or introduction into Europe of the bill of exchange is due less to the ingenuity of the Jews or the art of making paper than to that improvement in social organizations and extension of political authority which distinguished the Italian republics of the mediæval ages. To this suggestion it need only be repeated that bills of exchange were unknown to the Greek and Roman civilizations, and that long after they came into use their use was confined to the Jews, who, whatever may have been their confidence in mediæval society and mediæval justice and political security, took great care never to trust to them, and traded chiefly with each other.

Following the introduction of bills of exchange came the establishment of those great fairs which for ages performed the functions of so many clearing houses for the inland commerce of Europe; and

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\* Some authors (*e.g.* Putnam's *Cyclopedia*) date the bill of exchange in Europe as far back as the year 808; others (*e.g.* Anderson in his *Hist. of Com.*) date it, with greater probability, in A. D. 1160.



next the establishment of banks in Italy, Spain, and Holland. The first fair dates from the year 883; the first bank, from which however no circulating notes were issued, was that of Venice, in 1167. These dates are oases in a desert of wretchedness and gloom.

But by far the most important of the several methods of relief which society so eagerly sought in this long era of money dearth was that adopted in Milan, A. D. 1240, this being the year in which, according to Arthur Young, (*Travels*, 2, 173,) paper circulating notes were first used in Europe. From the fact that at about the same time, or within a few years afterward, paper notes of the same character were employed in China, (Marco Polo,) there is some ground for the belief that the dearth of money in Europe was felt also in that distant and almost unconnected part of the world. In both these instances the notes used were issued by government and made a legal tender for the payment of debts.

Severe bullionists may scoff at this, at the debasement of coins, and at the many other financial dishonesties and enormities, as they are pleased to call them, of the Dark Ages; but let me tell them, who am also a bullionist in so far that I recognize the superior economy, stability, and justice of a money system consisting of, or at least based representatively, wholly or in part, upon, the precious metals, that society could not have been preserved without these measures. Mankind had paid dearly enough in nine long centuries of tyranny, anarchy, and slavery for the boon of a common medium of exchange. To have paid any more for it would have been to pay with life itself, for that which at the best could only economize its labor and alleviate its burdens.

These fiscal measures not only eked out the scanty and stationary stock of coin which existed at that period; they economized its use, saved it from abrasion and loss, added to the rapidity of its circulation, made it perform double work, and thus bridged over the five hundred years of further dearth of money which was to continue until the discovery of America.

It is hardly worth while to specifically trace the wonderful and beneficial effects of the relief thus obtained or the era of industrial activity, commercial enterprise, and political enfranchisement to which it contributed, and which it is quite safe to say could not have occurred without it. The financial history of the past three hundred years is sufficiently familiar to every one, and all that is necessary in this place is to insert Mr. Jacob's hypothetical table of the increasing stock of the precious metals following the Dark Ages:

<i>Year A. D.</i>	<i>Stock of coin.</i>
1066 .....	£34, 600, 000
1500 .....	34, 000, 000
1546 .....	49, 400, 000
1600 .....	126, 600, 000

The ancient mode of obtaining the precious metals has been described. It consisted of washing auriferous sands and picking with rude instruments such scanty deposits of pure metal as could be found. With the invention of bronze tools and of smelting-furnaces a great impetus was afforded to mining, and this was increased by the invention of iron tools. It was in this condition that the art stood at the Roman era, the use of mercury in quickening and perfecting the process of recovering the precious metals not having been acquired until after the discovery of America. The sixteenth and seventeenth centuries therefore gave to the European world three great sources of increase to its stock of the precious metals: 1. The stock despoiled of the West India islanders, the Mexicans, and the Peruvians. 2. The new and great mines of Central America and Peru. 3. The use of mercury in the amalgamation of ores.

Notwithstanding all these new and additional sources of supply, so utter had been the exhaustion of the European world's stock of gold and silver, so eager was the demand for these metals, so rapidly were they absorbed in the arts, in the Asiatic trade,\* and by abrasion and loss, that the world's supply again came to a stand-still shortly after the beginning of the present century. The following are Mr. Jacob's hypothetical figures, which, for the period toward which we are now approaching, must be regarded as corroborated by the various careful computations of Humboldt and other authors. The reduction to dollars is at the rate of five to the pound sterling:

Year.	Stock of coin in the commercial world.	Authority.
1700	£1,445,000,000	Jacob.
1700	1,318,000,000	Tooke.
1809	1,687,000,000	Gerboux.
1809	1,849,000,000	Tooke.
1827	1,720,000,000	Humboldt.
1829	1,557,000,000	Jacob.
1830	1,600,000,000	Storch.
1839	1,420,000,000	Storch.

The social phenomena of this period are too widespread and too directly traceable to monetary disturbances to admit of much doubt as to their connection with the decline in the world's stock of coin. To say nothing of the French revolution and the wars and great political events to which it gave rise—all of which, if they did not spring from, were certainly precipitated by, the unendurable poverty and

\* Humboldt's statement on this subject would lead to the inference that Asia had taken two-thirds of the entire American supply. Forbonnais supposes that between 1492 and 1724 Asia took one-half of the American supply, and Gerboux's estimate even exceeds this. Mr. Jacob, who reviewed them all, settled down to the opinion that Asia took two-fifths of the American supply between 1700 and 1810. (Jacob, page 307.)

suffering of the French peasantry, which culminated in riots for bread and the distribution of wealth—this period is characterized by disorders all over Europe. The Newcastle and Scotch banks in Great Britain suspended in 1793, the Bank of St. Petersburg suspended in 1796, the Bank of England in 1797, and again in 1822.\* It was during this period that arose the State and provincial banking systems of this country and Great Britain, through which the actual and threatened dearth of money was alleviated by means of circulating notes representing but a small basis of specie. These desperate and unsafe expedients always evince a scarcity of the precious metals. It was during this period that these systems failed over and over again, not, however, without answering for precious intervals of time the important purpose of their establishment. The State banks of the United States failed in 1816, 1819, and 1827, and signally in 1837; the provincial banks of England in 1826 and 1847. Specie payments were suspended in France in 1790, and an enormous issue of assignats and mandats followed. As for the American suspension of 1837 it was felt all over the commercial world, which it shook to its foundations.

What had happened? Some people say wars; others, over-speculation. Perhaps they are right. Causation is a difficult science. But certainly the well-attested decrease in the stock of the precious metals which occurred at about the beginning of the century may have had, and in my opinion did have, much to do with these events. In fact, as Mr. Patterson has shown in his *Economy of Capital*, they were in every case preceded by an export and local scarcity of specie.

Be this as it may, two new sources of relief were hastening to the assistance of society: 1. The adaptation of steam to the processes of mining; 2. The discovery or rather rediscovery of the Ural mines, and the subsequent and more important opening of California and Australia. The new mines were discovered first. The adaptation of steam to their development came much later—indeed, belongs to the past few years.

The following are the statistics of the amount of specie added to the stock of the commercial world from 1848 to 1865:

Year A. D.	Stock of specie in the commercial world	Authority.
1848-'53 .....	\$2, 500, 000, 000	McCulloch.
1857-'60 .....	2, 800, 000, 000	Ruggles.
1872 .....	3, 600, 000, 000	Ernest Seyd.

\*An abortive attempt to resume specie payments was made in 1817. MacLeod's Dict. Polit. Econ., I, 99.)

The following are the estimates of various authorities of the stock of gold coin (only) in the commercial or occidental world since 1848:

Year A. D.	Stock of gold coin in the commercial world.	Authority.
1848.....	\$1,200,000,000	Chevalier.
1848.....	1,332,000,000	Est. on Newmarch.
1848.....	1,090,000,000	Est. on Levasseur.
1849.....	1,306,000,000	Jacob.
1853.....	1,464,000,000	Est. on Waguelin.
1860.....	1,998,000,000	Est. on Newmarch.
1860.....	2,209,000,000	Est. on Newmarch.
1867.....	2,600,000,000	Ruggles.
1872.....	2,600,000,000	Ernest Seyd.

With this vast and refreshing increment of specie, which more than filled the void left by the failure of the superficially worked mines of Mexico and South America at the close of the last century, a new era of industrial activity, progress, and development awaited society; an era which, if entered upon without reserve, might have crowded ten years into one, advanced us a century beyond the present time, and conferred upon each individual of to-day the practical benefits of longevity.

But it was *not* entered upon without reserve. The plutocrats of Europe took alarm at the rapid increase of specie. They could manage to dispose of the surface-washings of gold in California and Australia, but they feared the application of steam machinery to the quartz veins of the Sierra Nevadas, and they put their long heads together and conspired to cheat labor and enterprise of their reward, and mankind of the main element of its circulating media. This was effected by the demonetization of silver.

To succinctly trace the narrative of this ingenious financial device carries us back to the point from which I diverged in order to sketch the history of the supply and consumption of the precious metals in Europe.

The course of the narrative will now be in respect of the relative value of gold and silver.

#### HISTORY OF THE RELATIVE VALUE OF GOLD AND SILVER.

This history naturally divides itself into four periods: The ancient, medieval, modern, and recent. The first extending from the most remote times to the beginning of the Christian era, or failure of the ancient mines; the second extending from the last-named period when the effects of the discovery of Potosi were first felt; the third from that period to the year 1865, or the date of the arbitrary partial demonetization of silver by five nations; the fourth period to the pres-

ent time. The accounts which have come down to us of the ancient period are inexact and partial. The relation is either stated in round figures by some careless author or calculated from laws the precise meaning and application of which are not beyond dispute. Each of these accounts relates to a single country, sometimes to a single city, and centuries occur between the date of one account and another. Such as they are they are given herewith:

*Table showing the ratio of gold and silver in various countries of the world during the ancient period.*

<i>B. C.</i>	<i>Ratio.</i>	<i>Authorities.</i>
1600	13. 33	Inscriptions at Karnak, tribute lists of Thutmosis. (Brandis.)
705	13. 33	Cuneiform inscriptions on plates found in foundation of Khorsabad.
—	13. 33	Ancient Persian coins; gold darics at 8.3 grams=20 silver siglos, at 5.5 grams.
500	13. 00	Persia. Darius. Egyptian tribute. Herod. III, 95. (Bœckh, page 12.)
490	12. 50	Sicily. Time of Gelon. "At least" 12. 50. (Bœckh, page 44.)
470	10. 00	Doubtful. Asia Minor. Xerxes's treasure. (Bœckh, page 11.)
440	13. 00	Herodotus's account of Indian tributes. 360 gold talents=4,680 silver.
420	10. 00	Asia Minor. Pay of Xenophon's troops in silver darics. (Anab.; Bœckh, p. 34.)
407	.....	Spurious and debased gold coins at Athens. (MacLeod, Polit. Econ., p. 476; Bœckh, p. 35.)
400	13. 33	Standard in Asia, according to Xenophon.
400	12. 00	Standard in Greece, according to "Hipparchus;" attributed to Plato.
400	12. 00	} Various authorities adduced by Bœckh.
400	13. 50	
400	15. 00	
404-336	{ 12. 00 13. 00 13. 33 }	Values in Greece from the Peloponnesian war to the time of Alexander, according to hints in Greek writers. There were variations under special contracts—unit, the silver drachma.
340	14. 00	Greece. Time of Demosthenes. (Bœckh, p. 44.)
338-326	11. 50	Special contracts in Greece.
343-323	12. 50	Egypt under the Ptolemies.
300	10. 00	Greece. Continued depression of gold, caused by great influx under Alexander.
207	13. 70	Rome. (Bœckh, p. 44.) Gold scriptulum arbitrarily fixed at 17.143 for 1.
100	11. 91	Rome. General rate of gold pound to silver sesterces to date.
52-49	8. 93	Rome. Continued depression of gold, caused by influx of Caesar's spoil from Gaul. [N. B.—Caesar's headquarters were at Aquileia, at the head of the Adriatic, where there was also a gold mine, which at this period became very prolific.]
50	11. 90	Rome. "About the year U. C. 700," the rate was 11 19-21. (Bœckh p. 44.)
29	12. 00	Rome. Normal rate in the last days of the republic.
<i>A. D.</i>		
1-37	10. 97	Rome. Rate under Augustus and Tiberius.

None but the gravest events—events which affected many nations and were felt through long periods of time—sufficed to disturb this relation. The two most noteworthy of these were the vast spoil of Alexander, which he gathered in the Orient and brought into Europe, and the spoil of Cæsar in Gaul, which he sent to Rome by way of Aquileia. These events temporarily depressed gold from the ratio



of 12 to that of 10, in the first instance, and from 12 to 8 in the second; but the depression was both local and temporary. Omitting these temporary aberrations, the general range of the ratio in ancient times, so far as the evidence now available furnishes ground for opinion, seems to have been about from 12 to 13.33.

The accounts relating to the medieval period partake more or less of the characteristics peculiar to the ancient. Lesser intervals of time intervene between the dates, lesser distances between the countries, and lesser differences between the rates in one country compared with another. Nevertheless, the condition of medieval society was too unconnected, and the arbitrary and conflicting laws governing the production, consumption, and legal attributes of the precious metals in various countries are too little understood at the present day, if, indeed, they ever were fully understood, to render these quotations of practical value. They will be found below :

*Table showing the ratio of gold and silver in various countries of the world during the medieval period. Range 11.44 to 13.51.*

<i>A. D.</i>	<i>Ratio.</i>	<i>Authorities.</i>
37-41	12. 17	Rome. Reign of Caligula.
54-68	11. 89	Rome. Reign of Nero.
69-79	11. 54	Rome. Reign of Vespasian.
81-96	11. 30	Rome. Reign of Domitian.
138-161	11. 98	Rome. Reign of Antoninus.
312	14. 40	Byzantium. Reign of Constantine. Arbitrary.
438	14. 40	Byzantium and Rome. Theodosian code. Arbitrary.
864	12. 00	Probable ratio, as shown by the Edictum Pistense, under the Carolingian dynasty.
1260	10. 50	Average ratio in the commercial cities of Italy. Local or doubtful.
1344-1660	—	England. Numerous mint indentures given in MacLeod's Political Economy, page 475. The ratio, except when fixed arbitrarily and in violation of market-price, varied between about 1.12 and 1.14 during the two hundred and fifty-seven years included in this period.
1351	12. 30	Ratio in North Germany as shown by the very accurate rules of the Lubeck mint, corroborated in the main by the accounts of the Teutonic Order of Knights, averaged in periods of forty years.
1375	12. 40	
1403	12. 80	
1411	12. 00	
1451	11. 70	
1463	11. 60	Ratio according to the accounts of the Teutonic knights. As the ratio fixed in England by numerous mint indentures from 1465 to 1509 was about 1.12, this German ratio is considered local or doubtful.
1455-1494	10. 50	
1497	10. 70	Spain. Reign of Isabella. Edict of Medina. Local.
1500	10. 50	Germany. Adam Riese's Arithmetic. Local or doubtful.
1551	11. 17	Germany. Imperial mint regulations. Arbitrary or local.
1559	11. 44	German Imperial mint regulations.
1561	11. 70	France. Mint regulations.
1575	11. 68	
1623	11. 74	Upper Germany. Mint regulations.
1640	13. 51	France. Mint regulations. Transition period.

The extreme range of all of the above quotations which are considered even measuredly reliable is from 11.44 to 13.51, the latter a single instance at the close of the period and after the opening of the American mines. Most of the quotations come within the range of from 11.70 to 12.40, which, considering that the table covers a period of sixteen centuries and numerous countries but little connected by

commerce until a late period, serves to show the remarkable constancy of the relation between the metals.

From the time of the conquest of England, A. D. 1066, until the reign of Edward III, there was no gold coined in England,\* and probably none in circulation, and this was doubtless substantially the case also in Continental Europe. Taking this inference in connection with

the commonness and large size of gold coins in ancient times, we are justified in ascribing the decrement of coin during the mediæval ages rather to the falling off in the supplies of gold than to that of silver and the fluctuation of the ratio, such as it was, to the aberrations of the gold supply.

We have thus an additional corroboration of the superior stability of silver to gold; a corroboration still further strengthened by the fact that silver alone was, in fact, if not always legally, the standard in England, (Harris, i, 61; ii, 85; ii, 106-7,) and throughout Europe up to about the beginning of the present century.

For the modern period we have more reliable data. This results from the fact that during this period countries became united by commerce; and quotations in one hold good with slight variation for all the others. As at about the commencement of this period all those events occurred which have had any material influence in altering between the metals the relation which previously existed, to wit, the opening of the East India and China trade, the opening of the American mines, and the use of quicksilver in the amalgamation of ores, it is wholly useless in this or any other practical connection to consult any other data concerning the relation of the metals with the view of determining such relation for the future.

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\*Essay on coins by Martin Folkes, London, about 1750, quoted in Harris on Coins, ii, 2.

*Table showing the ratio of gold and silver in various countries of the world during the modern period, or since the opening of the East India and China trade. Range 14.74 to 15.83.*

A. D.	Ratio.	Country.	Authorities.
1665	15. 10	France .....	Mint regulations.
1667	14. 15	Upper Germany ..	Mint regulations. Doubtful.
1669	15. 11	Upper Germany ..	Mint regulations.
1670-1817	.....	England .....	Numerous mint regulations quoted by MacLeod.
1679	15. 00	France .....	Mint regulations.
1680	15. 40	France .....	Mint regulations.
1687-1700	14. 97	Hamburg .....	Ratios calculated from the bi-weekly quotations of the Hamburg prices-current, giving the value of the gold ducats of Holland in silver thalers down to 1771, and after that in fine silver bars. The nominal par of exchange during this period was 1:14.80, and the quotations show the variations of the market rate in percentage above or below this. At par 6 silver marks-banco were equivalent to 1 ducat; 68.20-47 ducats containing 1 mark (weight) of fine gold, and 27 $\frac{3}{4}$ silver marks-banco containing 1 mark (weight) of fine silver. Hence, $6 \times 68.20 - 47 \div 27\frac{3}{4} = 14.80$ , the par ratio.
1701-1720	15. 21		
1721-1740	15. 08		
1741-1790	14. 74		
1791-1800	15. 42		
1801-1810	15. 61		
1811-1820	15. 51		
1821-1830	15. 80		
1831-1840	15. 67		
1841-1850	15. 83		
1851	15. 46	England .....	London market quotations—annual averages. These give the price of a given weight of standard silver in shillings and pence. The standard gold is eleven-twelfths fine, and an ounce troy is coined into 934.5 pence, or an ounce of fine gold into 1019.45 pence. The standard silver is thirty-seven fortieths fine. Hence, as fine silver is worth 1.081 times as much as standard silver, if 1019.45 pence be divided by 1.081 times the quoted price of an ounce of standard silver the quotient is the ratio desired.
1852	15. 57		
1853	15. 33		
1854	15. 33		
1855	15. 36		
1856	15. 33		
1857	15. 27		
1858	15. 36		
1859	15. 21		
1860	15. 30		
1861	15. 47		
1862	15. 36		
1863	15. 38		
1864	15. 40		
1865	15. 33		
1866	15. 44		
1867	15. 57		
1868	15. 60		
1869	15. 60		
1870	15. 60		
1871	15. 59		
1872	15. 63		

A glance at this table shows that the extreme range of fluctuation for a period of over two hundred years, closing with the year 1872, was 14.74 to 15.83. Most of the quotations are close to 15 $\frac{1}{2}$  of silver to 1 of gold. The change from the relation which existed during the mediæval period is attributable chiefly to the opening of the oriental trade by the way of the Cape of Good Hope, and the settlement of the different relations between gold and silver which existed in the oriental and occidental worlds. This settlement took place during the seventeenth century; since which time the ratio has remained almost stationary and uniform throughout the world.

I have already stated that the East India trade absorbed a large proportion, estimated at two-fifths, of the whole American product of the precious metals; that is to say, about one-fifth during the seventeenth century and one-fifth during the eighteenth. This proportion consisted nearly altogether of silver. The result of these shipments of silver to the Orient was, that of the supplies of American metal absorbed in Europe, a large portion consisted of gold. With the rise in prices which followed the discovery of America the demand for supplies of gold, as against silver, in Europe, was greater than before, owing to the superior availability of gold at that period for large payments; a superiority which the subsequent growth of banks and places of deposit has now destroyed. This slightly increased demand for gold as against silver must be set off against the urgent demand for silver in the Orient.

The average ratio at Hamburg for the twenty years, 1701-1720, is given in the table at 15.21. Sir Isaac Newton, in his report on coins, dated 1717, estimated it at 14.8 to 15 throughout Europe.

At this period the legal relation in England was  $15\frac{1}{2}$  and silver was, therefore, undervalued by law. The consequence was that a large portion of the silver coin was exported to countries where it was more justly estimated. To remedy the loss of coinage involved in exportation, the weight of the gold pieces was lessened, and instead of eight hundred and ninety, there were coined out of a pound of standard gold nine hundred and thirty-four and a half sovereigns of twenty shillings, or their equivalent, eight hundred and ninety in guineas of twenty-one shillings; or, what is the same thing, the guinea, or pound of guinea gold, of twenty shillings, was ordered to pass current at twenty-one shillings.

We are told by modern apologists for the adoption of the single gold standard in England in 1816, without any support for such statement, that the single gold standard was practically the standard of England from the time of this change in the coinage by Sir Isaac Newton, (MacLeod.) But this fact, however "practical," had nothing whatever to do with the law on the subject.

It appears that some forty years after Newton's coinage reform gold fell in the markets of Europe until it would only purchase 14.74 of silver, while the law valued it at slightly under, (2 Harris, page 54, appears to make it 14.145, but this is unprecise.) Such being the case, there arose an agitation favorable to the payment in gold of the interest or principal on the public debt, which was then largely held abroad, (2 Harris, 53-106.) The argument in favor of this project was entirely sound. The debt had been incurred in "pounds." The "pound" was a money of account consisting of 20 actual shillings of silver, each 11 ounces 2 dwts. fine out of 12 ounces, and weighing 3 ounces 17 dwts. 10 grains; in other words, one pound troy weight of standard silver

was coined into 62 of these shillings. By the same mint indenture a pound troy of standard gold was coined into as many guineas as there were in 890 shillings, and by subsequent indentures, previous to the period of the dispute, into as many sovereigns as there were in 934½ shillings, (MacLeod, appendix, pages 9, 10.) Why not, then, pay the debt in these gold "guineas?"

The only doubt which could arise as to the equity of this proceeding depended upon the fact as to when (under what indentures) the debt had been incurred, though, in fact, this question was of no importance. But it never seemed to have troubled the disputants, who represented that large and influential portion of the debt which was held at home. They stood upon the pound of silver; declared that that was the sole standard of value; that gold coins were mere tokens, and that the honor of the Crown was involved in the payment of the debt in silver "pounds," which, in point of fact, was only a money of account, (1 Harris, i., 61; *ibid.*, ii., pp. 85, 97,) and had had no actual existence in silver since the days of William of Normandy, and none at all in gold.

The superior talent or persistency of these advocates of plutocracy prevailed over reason and equity, as it prevailed afterward, when they took the opposite side of the argument and showed that gold was the standard of England, and not silver, as it has prevailed in this Chamber, as it has prevailed everywhere and at all times. The books and pamphlets issued on the subject at this period were innumerable, and amid the confusion which they occasioned, the unaccustomed jargon of the mint, and the loud voices of the plutocratical orators, the latter carried the day, and silver was assented to be the sole standard of England.

Some seventy years later, while specie payments were suspended in England, and there was no currency in circulation except unrepresentative and irredeemable bank notes, silver was demonetized by law, as MacLeod says it had been in fact since the period of the measures effected by Sir Isaac Newton,\* and, except for payments up to forty shillings, gold was declared the sole standard of value.

This celebrated enactment, the first one specifically making gold the single standard of value which was adopted by any country, is attributed to the same sinister influence which unhistorically and illogically maintained in 1750-'57 that silver was or ought to be the sole standard of England, because at that period gold had become slightly the cheaper metal of the two at the relation denoted by the mint indentures which had existed in Isaac Newton's time. But this inference does not appear to be supported either by the market ratio of

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\* The authorities on this subject, namely, Harris, 1757, Chevalier, 1857, MacLeod, Patterson, and Seyd, disagree as to the legal position of the standard of England from 1717 to 1816. The truth appears to be that the standard was the double one.



the metals at that time or by any other facts known to the authors or supporters of the enactment. The chief of these supporters was Lord Liverpool, whose report on coins antedates by several years the great work of Humboldt on New Spain, and by many years that of Jacob on the History of the Precious Metals. The principal fact in this connection which was known at that time, and which could have influenced the adoption of the single gold standard, was that silver had been slowly falling in value since the period of the bank suspension. The average market ratio for the decade ending in 1790 was 14.74; while for the decade ending in 1800 it was 15.42, and for that ending in 1810 it was 15.61. Beyond this the supporters of the act of 1816 knew little or nothing which could have assisted them in forming a judgment with regard to the probable future course of the metals. The act of 1816 was, therefore, a mere blunder, a piece of empiricism based at most upon a recent and, as it afterward proved, a mere trifling and temporary decline of silver. When we come to trace its consequences we shall see what a deplorable blunder it was. And it is just such a blunder that we would now commit in this country if we disregard the present opportunity of restoring the double standard, if we empirically refuse to recognize silver as an essential and component part of the money of the world, simply because for the moment the ratio of silver to gold is depressed.

Having now traced the standard of England down to its latest legal change, which occurred in 1816, it need only be stated briefly in this place that no other country adopted the gold standard, except Portugal, until 1865. The standards of the various principal countries of the occidental world previous to 1865 were either of silver, as in Germany, Holland, Scandinavia, &c., or of gold and silver equally, as in France, Spain, the United States, Belgium, &c. During the interval between 1809 and 1848, when gold was falling off in supply and rising in price, England entered upon that policy of lending in silver and demanding payment in gold, which, but for the widespread bankruptcies which the failure of the gold supplies contributed to occasion in 1837, would have greatly enriched her wealthy classes. They lent capital to all the countries of the world, lent in the cheaper moneys of those countries, (as they lent us later still during our civil war in paper,) and always demanded payment in gold. Like all short-sighted policies, it was a profitable thing so long as it lasted, but its very profitableness forbade it to last.

The creditor may seek support in unjust laws, but nature is on the side of the debtor, and nature redresses the inequalities of laws. As to the effect upon her own people in demonetizing silver during the period when gold was rising in value, it need only be said that England never passed through a more gloomy period than during the

half century preceding the opening of California. One has only to read Professor Thorold Rogers's *Review of Agriculture and Prices in England* from the thirteenth to the nineteenth centuries, and McKay's *Working Classes*, to be convinced of the fact that during the period, 1816-1848, the English laborer was reduced to a condition but little better than that of his predecessors during the Middle Ages, and infinitely worse than that of his predecessors a century before.

Money became scarce, and, despite the alleviation caused by the invention of banking and paper money, hard times set in. After 1809 the annual supply of the precious metals declined fully one-half, owing to the stoppage of the Mexican mines, consequent upon the war between Spain and her American colonies. The period when the precious metals were most scarce was between 1810 and 1840; and this, as every one knows, was precisely the period when national distress and political agitation were most rife among us. The masses suffered and clamored for reform; the middle classes groaned under the taxation and cried for retrenchment; and in Parliament there arose the policy of peace, to lessen the burdens of a nation which could not afford to go to war. The discovery of the Ural mines of Russia thereafter began to mitigate though not to remove the dearth. But now once more a change has taken place, and the discovery of the rich mines of California, Columbia, and Australia, &c.—Patterson's *Economy of Capital*, page 45.

There is another point in this connection which is well worth mentioning to those who have shown so much eagerness to lead this country into the unwise footsteps which England has trodden in respect of the standard of money. It may, perhaps, not have occurred to them that, with a system of household suffrage such as exists in England, the slightest rise in values has the effect of extending the franchise of voting. This was shown by Mr. Patterson in his *Economy of Capital*, page 60, *et seq.*:

Houses which rented at £8 in 1848 are now rented at £10, which secures the franchise for the occupiers. \* \* \* Taking the case of England in the nineteen years before the new gold supplies came into play, we find that between 1832 and 1851 the registered electors for burghs increased one-half and those for counties more than one-third, while the total population increased less than one-third.

Here, then, is a reason, in addition to their pecuniary interest, which actuates the ruling classes of England in their monetary legislation, a reason that should teach us of America to beware what hidden pits we may fall into by blindly and subserviently following the politico-economical or legislative footsteps, be they backward or forward, of a foreign country.

We need no foreign advice in the great concerns of state. When that greatest of all political events, the American Revolution, which not only gave freedom to this people, but for the first time in the history of the world divorced church and state, denied the "divine right" of kings, the privileges of class, and the claims of feudalism, and thus gave to all men at once the principles of government and a land in which those principles could be carried into practice—when the

American Revolution was organized, did our forefathers send to ask the opinion of the ruling classes of Europe? No. They knew that if they did so, the answer that they would get would be unfavorable to the accomplishment of their ends. These ends were the freedom and happiness of all men. These are what they had fought for and determined upon, and they needed no advice as to how they should secure them in that organization of a state which had been committed to their charge.

We now come to the effects of the gold discoveries in California, which effects, preceded as those discoveries had been by the minor ones of Ural and Siberia, were felt soon after the events that gave rise to them. At this period, about the year 1850, England still had the single gold standard, the United States the double standard at 16, France the double standard at 15½, Spain, Holland, and Belgium, (Chevalier, pages 6, 157, 159, and 163,) the double standard, and Germany, Naples, (ibid., page 169,) and other countries the single silver standard. In a word, the silver unit (dollar, thaler, franc, real, or ruble) was a legal tender to an unlimited extent in all these countries except England.

When gold began to pour in from the shores of the Pacific, the first and very proper act of the United States and France was to coin gold pieces and use them instead of silver ones for legal tender. The United States, still holding on to her double standard, stopped coining the silver dollar, and by the act of 1853 coined a gold one, because it was the cheaper one. France also held on to her double standard, (of 15½,) notwithstanding the eloquence of Chevalier, who, like Harris in England, precisely a century before, tried to convince France that the law of 7 Germinal, *an* XI, (year 1803,) meant a single silver standard instead of a double one. The first care of these two great republics was the interests of their people, and these interests they consulted when they held on to a system which looks to and utilizes the whole supply of the precious metals for the basis of commercial transactions.

Holland and Belgium pursued a different course. These countries, like England, were governed by kings, surrounded by a powerful plutocracy. Like her they were lenders of money, the creditors of other nations, and like her they feared the fall of gold. But unlike England, they had had no single gold standard before; no gold standard while gold was becoming scarce, as during the period 1816-1840; therefore no distress, no agitations, no chartist riots, no reform bills, no clamor for popular representation, no demand for ministerial responsibility. Hence, unlike the British plutocrats, those of Holland and Belgium had no fears to restrain them from adopting a single silver standard when silver became dear. Belgium retired her gold

coins in 1854," and adopted a silver standard. Holland did the same thing in 1858. (McCulloch Dic., Art. "Precious Metals," says 1847 and 1849.)

The success of the ruling classes in Holland and Belgium in demonetizing gold during this period of its downfall was greatly envied by their brethren in England. Between 1850 and 1857 gold fell from 15.83 to 15.27 of silver, the extremest range, as it has since proved, during more than eighty years, to wit, from 1790 to 1872. The creditor classes of England viewed this depression of their favored metal with great alarm, and fancied that it would go on—as with the same short-sightedness they now fancy that the present temporary depression of silver will go on—forever. Forgetting that they had profited while gold rose, they now demanded that they should not lose because gold was falling. They looked with envy upon the plutocratical legislation of Holland and Belgium, and asked why England should not also demonetize gold and adopt silver as her sole standard of value.

Unfortunately for them, their own short-sighted and blundering legislation of 1816 stood in the way, and nature was reaping its revenge. What was to be done? What had England's plutocratical politico-economists to advise at this period?

Mr. Richard Cobden, while disclaiming any right on the part of the government to interfere with contracts already made, saw no reason why it should be excluded from such interference with the future as might be necessary to facilitate voluntary contracts. (Chevalier, page 6.)

Mr. James Maclaren recommended the establishment of life-insurance companies on the basis of a silver standard. (Ibid.)

Mr. Cobden, quoting this suggestion with approbation, proposed to adapt it to all contracts extending over a long period of time, and even thought of evading the consequences of the depreciation of gold by resorting to the primitive practice of paying in kind, as by granting farm leases upon a rent to be regulated by the price of produce!† O, sophistry, sophistry; how desperate are thy convolutions!

In short, England was fairly caught in her own toils, and but for the retention of the double standard in the United States, France, and other countries, which enabled these countries to absorb the new supplies of gold by replacing with them their silver coins, which they exported to Asia, wherewith to pay for goods, the relations of commodities and services in England—and this involved her entire polit-

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\* After having cut off her own tail, Belgium, through the agency of her distinguished plutocratical politico-economist, M. Gustave de Molinari, endeavored to induce France to do the same thing. This effort was made through the medium of the pages of the *Economiste Belge* of 10th February, 1857, in which M. Molinari recommended France to demonetize gold by reducing her gold coins to tokens, and adopt the single silver standard after Belgium.

† In Jevon's latest work Messrs. Scrope & Lewis are quoted as in favor of adopting the average of one hundred articles of produce as the measure of value.

ical structure—would have been revolutionized. As it was, her government barely escaped overthrow, and the agency that saved her was that very double standard which the selfishness and folly of 1816 had overthrown in England, but which, fortunately for England, other nations had retained.

The consequences of these various measures, during the fall of gold from 1848 to 1865, were, that England prospered in spite of her foiled plutocracy, France prospered, and the United States prospered, and an era of industrial activity was opened in these three great countries the like of which had never been seen before. This was the distinctive era of labor-saving machines, international expositions, railways, life-insurance, clearing-houses, and great commercial reforms.

#### THE RECENT PERIOD.

*Table showing the ratio of gold and silver, chiefly\* in the London market, during the recent period, or since the demonetization of silver effected by the act of February 12, 1873. Range, 15.9 to 17.82.*

Year.	Ratio.	Country.	Authorities.
1873.....	15.90	England.....	Annual average, calculated as above.
1874.....	16.15	England.....	Annual average, calculated as above.
1875.....	16.45	England.....	January.....
1875.....	16.41	England.....	February.....
1875.....	16.50	England.....	March.....
1875.....	16.47	England.....	April.....
1875.....	16.55	England.....	May.....
1875.....	16.88	England.....	June.....
1875.....	16.97	England.....	July.....
1875.....	16.92	England.....	August.....
1875.....	16.74	England.....	September.....
1875.....	16.74	England.....	October.....
1875.....	16.75	England.....	November.....
1875.....	16.89	England.....	December.....
1876.....	17.08	England.....	January.....
1876.....	17.46	England.....	February.....
1876.....	17.82	England.....	March.....
1876.....	17.69	England.....	To April 12. Average, 17.69.

\* The table from which the quotations for 1875 and 1876 are obtained is "deduced from quotations on the London and New York markets."

We now come to the next important change in the history of money and the standard—the era of the silver-bearing mines of the Comstock lode, of the demonetization of silver in several important countries of continental Europe, and its demonetization in the United States through the agency of the act of 1873.

This era opened in 1862 with the exportation of the entire stock of silver as well as other coin of the United States, consequent upon the adoption of an unrepresentative paper currency by the act of February 25 of that year. In the same year also occurred the discovery of the great silver-bearing mines of Washoe.



The ratio of silver to gold in the markets of the world was thus threatened with depression from two causes acting simultaneously: First, the demonetization of a large stock of coin by an important country; second, the discovery of new and very productive silver mines. It was not forgotten by financiers that, together with our silver, we demonetized a much more valuable stock of gold, nor that Washoe was still in its incipency. Therefore, it was not until 1863 or 1864 that the bearing of the events of 1862 upon the probable future ratio of silver and gold began to be discussed in Europe. Their bearing, however, was not wholly dismissed from consideration, and as the Washoe mines gave more and more promise of great production, discussion in Europe with regard to the tendency of the ratio became more and more common.

In England the anticipated decline of silver was regarded with great complacency. It was a veritable windfall for her plutocracy; a parachute to retard the previously threatening decline in the purchasing power of gold; a governor to that engine of their own construction, which they had built in 1816 and regretted since 1848.

As the great mines of Washoe became further-developed the continental plutocracy also began to prick up its ears. It was at this period organized and formidable, which is more than can be said of it in 1848, when the red flag flaunted in its face from every corner of Europe. France was now an empire; Italy a united kingdom; Greece a newly fledged monarchy. The plutocrats of these countries could have their own way now.

Nature, steam, and the Comstock lode labored for mankind; the silver treasures of the Sierra Nevada began to make themselves felt in the coinages; the gold product fell off, and gold went up to nearly sixteen of silver. It was therefore in the interests of the plutocracies to demonetize silver and adopt gold as the sole standard of value, and they endeavored to convince society that gold alone was the true standard.

The reading world was flooded with pamphlets and magazine articles on the subject, penned by the highest order of talent, which, too often neglected by the people, is forced to ally itself with power; conventions, with cut-and-dried programmes, were called to discuss the matter; advocates were employed and charlatans retained to drown with the clamor of numbers the modest voices of science, equity, and reason. Another motive urged the plutocracies to their course. So long as silver was harbored as a legal tender in Europe, the United States, by being the principal producer of that metal, might become the money center of the world—a matter of no little concern to London, Paris, and Berlin.

An international monetary convention was held in Paris in 1865, and a treaty concluded between France, Belgium, Italy, and Switzer-

land, in which Greece and Roumania subsequently joined, by virtue of which these countries so limited the mintage of their legal-tender silver coins as to prepare to make gold their sole standard of value, and partially demonetize silver. Taught by previous experience, they did not actually demonetize silver, but left the law in such a condition that by a concerted change in the coinage regulations either gold or silver, if need be, could be made the sole legal tender, and by adopting whatever happened to be for the time the dearer metal, a see-saw between silver and gold could be kept up for the benefit of plutocracy at every change of market relation.

There can be no see-saw unless the legal relation between the metals is permanently fixed and unalterable. When this relation is altered from time to time, as it should be, (once in ten or twenty years would practically be often enough,) to accord with the slow fluctuations of the markets, neither the creditor, who would demand the dearer metal, nor the debtor, who would proffer the cheaper metal, could profit by having his choice. But when the relation is unalterably fixed or difficult to alter, as is the case in France, then the creditor who always demands the metal that abroad commands a premium, or the debtor, who would pay in the one that can be purchased abroad at a discount in the one which is the legal tender, derives an advantage.

This treaty of 1865 was to last until 1880, and with certain modifications is still in force. England did not enter into it. Gold was now to become dearer, and in her present political condition, when popular interests have the power to be heard, her plutocrats feared to open a question which might overthrow the advantages they already possessed. England had a single and peremptory gold standard. Why should she enter into a treaty which would make her a party to only a permissive gold standard, a standard which, practically, when the treaty expired, and before gold fell in price again, might be changed by a concerted coinage regulation?

But although British plutocracy saw nothing to be gained by entering into the monetary treaty of 1865, it saw something to be gained by attending the congress which preceded the treaty and the subsequent convention which was held in 1867 with the view to extend the operation of the treaty. That something was to draw the United States into the treaty, the United States which were, as yet, not bound to a gold standard at all, either permissive or obligatory.

Accordingly England sent her delegates to both conventions. They were instructed to say nothing which would bind England, but to carefully watch and report the proceedings until, I presume, the hands of the United States were fairly into the fire and the chestnuts safely landed for the benefit of the ruling classes of England. These instructions were carried out with great skill. The Frenchmen arranged the programme,

the Germans did the arguing and philosophizing, the Englishmen listened, and the American delegate, overcome by the plutocratic atmosphere that surrounded him, walked straight into the trap that had been set for him. The convention was called for the nominal purpose of unitizing the weights of the coins of various nations. Its real object, which it fully accomplished, was to commit the United States to the adoption of the gold standard while gold was growing dearer, so that the interest and principal of her public, corporate, and mercantile indebtedness, held mainly in Europe, which was then under our laws payable in the silver dollar of  $371\frac{1}{4}$  grains pure, should be made payable in the temporarily more valuable gold dollar of 23.22 grains pure. Of course the United States was not bound by this vote of its delegate in the international monetary convention, but the vote had its influence. It tended to sway the judgment of the Congress of the United States when the question came up; that is to say, tended to sway it so far as it was called into exercise at all.

#### DEBATE ON THE AMERICAN DEMONETIZATION ACT OF 1873.

But the manner in which this legislation was effected leaves but little reason to infer that any deliberate judgment was exercised on this important subject of the standard, or that the question was ever so presented to the American people as to elicit the indorsement or the approval of any single congressional constituency. The bill by which it was effected originated, as I understand it, in another bill which was introduced into the House of Representatives February 9, 1872. It was discussed for a few moments on April 9, 1872. Then the discussion was cut short, and a substitute, the present law, reported by title on May 27, and passed without a reading, under a suspension of the rules, May 29, 1872. From the House it went to the Senate, where, without any discussion at all upon the all-important section 14, it passed; and, after concurrence by the House, again without a discussion, became a law.

I am aware that it has been stated that the bill was passed after very full discussion on this subject; but I am unable to find a corroboration of this statement in the official report of the proceedings. If any such full discussion appears in the Congressional Globe, I shall be glad to have it pointed out in order that I may correct the impression now on my mind in respect of this matter.

This bill was originally reported to the House of Representatives February 9, 1872, from the Committee on Coinage, Weights, and Measures by its chairman, Mr. Hooper, of Massachusetts. It was discussed for the first time April 9, 1872, when Mr. Hooper informed the House that Mr. Ernest Seyd, of London, a distinguished writer on coins, had examined the first draught of the bill and "furnished many valuable suggestions which have been incorporated in the bill." Curiously enough, Mr. Seyd is an uncompromising advocate of the double

standard, and it is to be regretted that having received Mr. Seyd's advice the committee only saw fit to follow it wherein it was entirely unessential and to disregard it in its most important feature. Mr. Hooper then assured the House with regard to section 14, where the standard was changed by implication from the double to a single gold one, that the reason for this change was that the silver dollar was worth \$1.03, a mere accidental and temporary fact which afforded no sound reason for abandoning the double standard. Subsequent events have proved that the option which we then enjoyed of paying in silver or gold dollars at pleasure was of the highest importance to the American people, and should not have been surrendered. Even if the fact as to the premium on the silver dollar were permanent and assured, the simple remedy would have been to change the legal relation between gold and silver.

Mr. Hooper also stated that the single gold standard had been adopted in Great Britain and most of the European countries, which latter statement was certainly not correct. (Congressional Globe, second session Forty-second Congress, part 3, page 2305.)

Mr. Stoughton, who followed Mr. Hooper, repeated the statement that the silver dollar was worth, he said,  $3\frac{1}{4}$  per cent. premium. (Page 2309.)

Mr. KELLEY, who followed Mr. Stoughton, said it was worth  $3\frac{1}{2}$  per cent. (Pages 2311 and 2316.)

Mr. Potter, of New York, appeared to be the only member, beside the movers, who suspected the real character of the bill. He said, (page 2310:)

I confess that the introduction of the bill at such a period (during a suspension of specie payments) excited my suspicion. I was and am at a loss to gather from anything I know or can learn that there is any necessity for the adoption of this measure now.

Among the objections he had to the bill was that—

It provides for the making of changes in the legal-tender coin of the country, and for substituting as legal tender coin of only one metal, instead as heretofore of two. (Page 2310.)

Finally, he stigmatized the bill as a cover, and that it was "gotten up to be a cover," among other things, for the coinage of nickel pieces in order to enhance the market value of nickel and benefit the monopolizers of nickel mines and processes. (Page 2312.)

And the impartial observer at the present time finds it difficult to account for the introduction of such a bill when specie payments were suspended and unprovided for, unless upon some such ground as Mr. Potter suggested, to wit, either the interest of the owners of nickel mines at home or that of creditors at home or abroad.

But of what avail was argument or objection? The discussion was cut short by a motion to adjourn, and the discussion was never re-

newed. The next we hear of the bill is that it was pushed through on the 27th May, under a suspension of the rules, without even a reading, and that it went to the Senate. (Page 3883.) There it was reported by title on the 28th May, referred by title to the Finance Committee on the 29th May, and passed at the following session, without, so far as can be ascertained from the Congressional Globe, having ever been fully considered.

#### CAUSES OF THE RELATION OF $15\frac{1}{2}$ .

Turning away from these details to the general history of the relative value of the precious metals, the principal, and by far the most important fact to be observed, is the remarkable steadiness which this relation has shown for over two hundred years.

The question now arises concerning this constancy in the relation in value of gold and silver since the early part of the seventeenth century: to what is it due? We have seen that this relation has been almost constantly and with slight variation  $15\frac{1}{2}$ . Why has the pivotal point of this relation been just  $15\frac{1}{2}$ ? Why not 13, as in the days of Herodotus? Why not 12, as in the feudal ages? Why did it not fall to 20 when Potosi poured its silver treasures upon the world? In short, why did it center at  $15\frac{1}{2}$  and remain there? A satisfactory answer to this question cannot fail to be important, because it will afford a guide which will enable us to compute the probable variation of the relation between silver and gold in the future.

Since the opening of the East Indies and China trade in the early part of the seventeenth century the relation of gold and silver in the Occident and gold and silver in the Orient became equalized. At the same era, also, the Spanish-American silver mines were opened, and the use of quicksilver in amalgamating ores discovered. These three events changed the pre-existing relations in the whole world. The first raised the value of silver; the second and third lowered it; the three together placed it at  $15\frac{1}{2}$ , kept it there, and equalized it all over the world. The oriental trade continues; the American silver mines are still productive, the process of amalgamation is still employed. Therefore the conditions of production and consumption are essentially the same as they have been for over two hundred years. When we consult those conditions with the view of determining the cause of the relation between gold and silver, we find that the same quantity of capital, superintendence, labor, or of those commodities necessary to support capitalists, superintendents, and laborers, as food, clothing, shelter, &c., and of materials, such as quicksilver, tools, machines, &c., as are, on the average, employed to extract fifteen and a half pounds of silver from the earth will only produce one pound of gold. This is the average of all countries and of over two hundred years of trial. It comes to this at last. This is the boiling down of the whole subject.



It will, of course, be understood that the several rewards of capitalists, superintendents, and laborers, in other words, their share of production, differs in various countries, and has differed at various periods ever since the opening of India and America. So, also, has the effectiveness of laborers. Hence the reward of each of these classes of persons has differed enormously. But, as under the same difficulties of production—and these have not changed as between the metals during the past two centuries, and are not likely to change in the future—the sum total of their contributions to the work has been the same, it follows that, as before stated, it is the total outlay of capital and labor, applied respectively to gold and silver, that has determined the relation of value between them.

When, at any given time or in any given country, the same outlay of capital, labor, materials, &c., that is sufficient to result in the production of one pound of gold, if removed from gold and applied to silver mining, will produce more than fifteen and one-half pounds of silver, the labor, materials, &c., will be removed from the production of gold to that of silver. When, at another time or in another place, the outlay sufficient to result in the production of fifteen and one-half pounds of silver if devoted instead to gold, will produce a fraction more than one pound of gold, it will, as a matter of course, be devoted to gold. The same laborers and the same capital, plant, tools, materials, &c., are not always removed from one industry to the other. One industry ceases in one place; the other may spring up in another place. It amounts to the same thing either way. These changes do not occur on the instant; they come about in time. When mines cease to be profitable at the long-established relation in value of silver and gold—a relation that finds its reflection in the prices of the services and commodities necessary to carry on the works—they are not abandoned at once, but continued in the hope of improvement. If no such improvement occurs they must eventually stop, for men will not and cannot go on forever losing money at mining.

This, then, is the basic reason for the long-time relation in value of silver and gold. The average result of over two hundred years of experiment in all parts of the world assures us that fifteen and a half pounds of silver and one pound of gold are equivalents, and this assurance is as solidly supported in respect of the future as we find it in respect of the past. Now that the most remote parts of the world are connected by commerce, nothing can weaken it, unless it were possible that some very great and peculiar improvement in mining or the recovery of ores could take place in respect of one metal and not of the other. For example, suppose an improved method of extracting or recovering gold was devised which was inapplicable to silver, then gold would be produced more cheaply than now and

silver would rise in value, or *vice versa*, in case the improvement could be applied to silver and not to gold.

But this is impossible: first, because the nature and qualities of the two metals are so nearly alike that any improvement applicable to the extraction or recovery of one must apply also to the other; and, second, because the geological distribution of the two metals is such that, in many of the large deposits of the world, they lie together in the same matrix. They must therefore be taken out together, and the quartz which contains them both, must be crushed, amalgamated, separated, and refined by one and the same process. The quartz matrices of the mines of the Sierra Nevadas generally contain about 1,000 troy grains of gold to every 24,000 grains of silver, or about 40 per cent. in value of gold to 60 per cent. in value of silver, and the proportion in other great silver mines of the world varies from 20 to 50 per cent. in value of gold to that of the two metals combined.

Here, then, we have an unalterable reason why all improvements in the art of mining the precious metals must apply equally to both of them, and also why, indeed, so long as one metal is produced, so must be the other. Coupled with that of the relative cost of producing them, as ascertained from an experience of several centuries, this fact assures us not only that  $15\frac{1}{2}$  has been the average relation between the metals in the past, but also that it will remain the average relation throughout the future.

The relation being thus fixed, there are powerful influences to keep it there and prevent it from yielding to any temporary vicissitudes, however prolonged, in the supply of the two several metals, such, for example, as the accidental finding of large alluvial deposits or placers of gold, as in the early history of California and Australia. These influences are: First, the vast stock of the precious metals already in existence in the world; and, second, the steadying action of the double standard in the countries where it prevails.

I will discuss these two questions in the order named. First, of—

#### THE WORLD'S STOCK OF THE PRECIOUS METALS.

*Estimated stock of the precious metals in coin, plate, &c., in the world at or about the various periods 1803, 1848-1853, and 1872.*

Period.	Gold.	Silver.	Total.
1803 .....	\$1,800,000,000	\$3,200,000,000	\$5,000,000,000
1848-1853 .....	2,800,000,000	4,100,000,000	6,900,000,000
1872 .....	5,800,000,000	5,600,000,000	11,400,000,000

*Estimated stock of the precious metals in coin in the occidental or commercial world at or about the various periods 1803, 1829-1839, 1848-1853, and 1872.*

Period.	Gold.	Silver.	Total.
1803 .....	\$900,000,000	\$900,000,000	\$1,800,000,000
1829-1839 .....	800,000,000	1,000,000,000	1,800,000,000
1848-1853 .....	1,200,000,000	1,300,000,000	2,500,000,000
1872 .....	2,600,000,000	1,000,000,000	3,600,000,000

*Estimated stock of the precious metals, chiefly silver, in coin in the oriental or transcommercial world at or about the various periods 1803, 1829-'39, 1848-'53, and 1872.*

Period.	Stock of coin, chiefly silver.
1803 .....	\$700,000,000
1829-'39 .....	800,000,000
1848-'53 .....	900,000,000
1872 .....	2,100,000,000

The above data are derived from a comparison of Ernest Seyd, Wolowski, Jacob, Newmarch, Chevalier, and McCulloch.

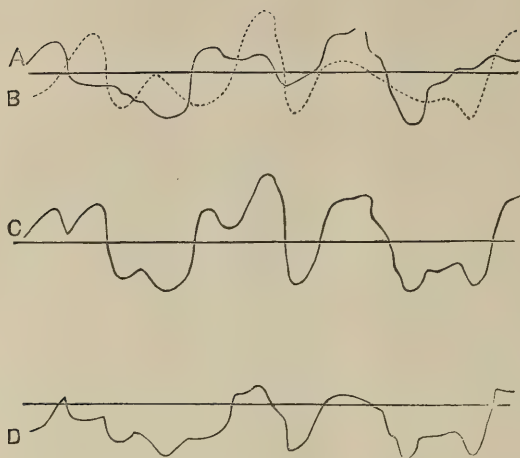
#### INFLUENCE OF THE STOCK OF THE PRECIOUS METALS.

The influence of this stock of the precious metals is perhaps the most important feature of this whole subject, and yet, so far as I am aware, it has either wholly escaped notice or been referred to with but slight appreciation of its consequence.

#### STEADYING ACTION OF THE DOUBLE STANDARD.

The second great influence which tends to keep steady that relation of  $15\frac{1}{2}$  to 1 which the commercial brotherhood of the world and the conditions of the productions of the precious metals have primarily occasioned, is the steady action of the double standard. I can best and most briefly exemplify this action by quoting from Professor Jevons:

The prices of commodities do not follow the extreme fluctuations of value of both metals as many writers have inconsistently declared. Prices only depend upon the course of the metal which happens to have sunk in value below the legal rates of  $15\frac{1}{2}$  to 1, (or whatever else it may be.) Now, if in the accompanying figure we represent by the line A the variation of the value of gold as estimated in terms of some third commodity, say copper, and by the line B the corresponding variations of the value of silver, then superposing these curves, the line C would be the curve expressing the *extreme* fluctuations of both metals. Now, the standard of value always follows the metal which *falls* in value, hence the curve D really shows the course of variation of the standard of value. This line undergoes more frequent undulations than either of the curves of gold or silver, but the fluctuations do not proceed to so great an extent, a point of much greater importance. (W. Stanley Jevons on "Money and the Mechanism of Exchange," New York. Appleton, 1875, page 138.)



The effect of employing the two metals together is to modify the action of each. Such dual employment prevents one from rising and the other from falling, so that the fluctuations in either "do not proceed to so great an extent" as they otherwise would.

GOLD BY ITSELF NOT A CORRECT MEASURE OF VALUE.

Money is a measure, as the bushel, the rule, and the scale are measures. The bushel measures capacity, the rule extension, the scale gravity, while money measures value. All of these measures are expensive; expensive to produce, expensive to maintain, expensive to preserve. Nor is money by any means the most expensive, it being deemed quite susceptible of demonstration that, compared with the services it performs, it costs even less than the others. Yet, expensive as they are, their use must nevertheless be a source of economy to mankind or they would certainly not be employed. This employment and the economy to which it is due ceases the moment the measures fail of uniformity, definiteness, precision, exactness, and steadiness, for it is in their excellence in these respects that their whole utility resides.

The discordance of moneys, weights, and measures has probably been in all ages one of the first and greatest obstacles which the world's commerce had to overcome, and even the progress of local commerce has had to wait upon uniformity in this respect. Indefinite and unprecise measures are an intolerable evil which men avoid even at the expense of much that is desirable.

What, then, shall be said of measures that are not only discordant and unprecise, but fluctuating also? What would be said of a bushel

that alternately contracted and expanded, and contracted more than it expanded; of a rule of elastic rubber, or a pair of scales with a shifting fulcrum? And what shall be said of a fluctuating measure of value?

Yet this is what money is, if gold be regarded to the exclusion of silver.

To be convinced of this it is only necessary to consider the statistics of the precious metals which have just been adduced.

From these tables it will be observed that since nearly the beginning of the present century the stock of coin in the commercial world has exactly doubled; that is to say, it has increased from \$1,800,000,000 to \$3,600,000,000, an increase that very closely corresponds with population—the population of the occidental world having been 180,000,000 in 1810 and 360,000,000 in 1875. (Essay in New York Independent, March 11, 1875.) Taking both of the precious metals together, the stock of coin has been as nearly as possible \$10 *per capita* of population at each of the four dates mentioned since the beginning of the present century.

At these periods at least, and we have the data for no others, the measure in the commercial world has been apparently unvarying, and this appearance has deceived many writers on the subject; but it is by no means true.

The effective measure of value is not the whole stock of coin, but that portion of it which the law permits to be tendered for the payment of debts. To this should be added the paper substitutes which are from time to time temporarily employed and accepted for the purpose of large payments, and which fluctuate in volume with the vicissitudes of credit and the adoption, transitory operation, and eventual failure of legislative expedients.\* The balance of coin or credit no more form a part of the measure of value than do the precious metals when locked up in the form of a plate. Now, how much the legal-tender coin and substitutes of the commercial world amounted to at the various dates given is difficult to estimate. An effort in this direction will, however, be made.

#### ESTIMATE OF THE EFFECTIVE MEASURE OF VALUE IN 1803.

In 1803, either the single silver or the double standard prevailed in all the occidental countries and, except in England, where gold was erroneously overvalued and silver degraded, it was fixed in those countries at such a relation and the coinage of the pieces so arranged (I do not remember having heard of any silver piece heavier than that

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\* If legislation were wholly removed from the subject of money except to announce and fix the relation of the metals from time to time, and generally as to police functions, we would have both the metals in circulation plus an amount of free bank paper which would bear an almost constant relation to the sum of the metals. The measure of value in such case would be easy to ascertain; as it is, nothing is more difficult.



of two German thalers) as to permit of the employment of nearly the whole mass of silver and gold coin then in the Occident. There was some legal-tender paper or bank paper afloat, notably in England and Russia, which brought the whole amount up to, say \$2,000,000,000, with a ratio of activity, let us assume, of 1.

#### ESTIMATE OF THE EFFECTIVE MEASURE OF VALUE IN 1872.

In 1872 a single gold standard existed in Great Britain; a restricted double standard in the Latin countries; a single silver standard in other European countries; a disused double standard in the United States, and legal-tender paper notes in many of these countries. The sum of all these currencies might amount to \$4,000,000,000, with a ratio of activity of, say 2, making \$8,000,000,000 in 1872, with a population of 360,000,000, or \$22 *per capita*, as against \$2,000,000,000 in 1803, with a population of 180,000,000, or \$11 *per capita*. The effective measure of value in the occidental world has, therefore, doubled since the beginning of this century.

As it is worth while to ascertain, if possible, how we may obtain a least varying measure of value for the world it becomes necessary for this purpose to turn from the statistics of the occidental world to those of the whole world.

#### THE WORLD'S STOCK OF COIN AND POPULATION.

Assuming that without royal, seigniorial, or legislative interference, the relation of the mass of private credit current for money, to the mass of money, would be constant, let us confine our observation to the stock of metal money in the world. In 1803, with a population of, say 900,000,000, it was \$2,500,000,000; in 1829, with a population of, say 1,000,000,000, it was \$2,600,000,000; in 1848-'53, with a population of, say 1,100,000,000, it was \$3,400,000,000; and in 1872, with a population of, say 1,200,000,000,\* it was \$5,700,000,000.

#### SWELLING OF THE MEASURE OF VALUE SINCE 1803.

These figures give an average of coin *per capita* throughout the world amounting to \$2.83, \$2.60, \$3.09, and \$4.75, at the respective periods named. If the assumptions of population here employed are admitted to be even approximately correct, then, even without reckoning greater activity of money now than formerly, it would follow that there has been no more fixedness in the relation of the world's coin and population than there has been in that of the effective measure of value and population of the Occident. They have both doubled, or about doubled, since the beginning of the century—doubled *per capita* of population. The coin of the world *per capita* and the ef-

\* Behm and Wagner sum up the population of the world for 1872 at 1,391,000,000, but in this they include China at 446,000,000. There is no authority for this extravagant figure besides that of the Chinese mandarin's communication to Lord Macartney in 1795. It was therein stated at 333,000,000, which was probably excessive by more than one-half. Consult the numerous and much more reliable estimates in Malte-Brun's Geography.

fective measure of value of the Occident *per capita* (i. e., the coin and circulating credit of the Occident combined) have both doubled.

What has caused this doubling, this unsteadiness of the measure of value? Has it been due to diminution in the population of the world? No. We know that the population of the occidental world has more than doubled since the beginning of the century, while the figures assumed for the oriental world exhibit a very small increase. (Japan increases very slightly. As to India and China, they are probably stationary.)

Has it been due to superabundance in the stock of silver? No. That stock was \$1,600,000,000 in 1803; \$1,800,000,000 in 1829; \$2,200,000,000 in 1848, and \$3,100,000,000 in 1872. Its ratio to population has been, as the ratio of money to population always should be, a slightly increasing one; but the relation has been substantially constant.

#### THE MEASURE OF VALUE SWOLLEN BY GOLD.

The swelling of the measure of value has been due to an enormous increase in the stock of gold. This amounted to \$1,800,000,000 in 1803, and twenty-six years afterward it had not increased. During the next nineteen years it increased 50 per cent., and during the following twenty-four years it increased 116 per cent. over the previous increase. In 1848 it was \$1,200,000,000, in 1872 it was \$2,600,000,000; by the end of the present century it will probably have fallen again to \$2,200,000,000, perhaps to \$2,000,000,000. So much for a metal which depends upon placer mining for its chief supplies.

This is the steady and unvarying measure of value to which the advocates of the single gold standard would commit us!

So far as steadiness is concerned, and irrespective of all other considerations, gold does not deserve to be used as money at all, and the old nations of Asia, who tried this metal more than thirty centuries ago, appear to have long since come to this conclusion; but the gradual increase of the mass of silver and the weight of the coins, together with the fact that gold frequently occurs with silver in the same matrix, give a place to gold which the unsteadiness of its supply would otherwise deny to it.

#### ANNUAL PRODUCTION OF GOLD AND SILVER SEPARATELY.

The validity of the statistics which have been quoted rests upon authorities—Wolowski, Seyd, Chevalier, McCulloch, and Jacob—whom the reading world has thus far been satisfied to accept as safe guides. The important and conclusive deductions drawn from them are, however, not without an amplitude of other support. They are to be drawn also from the statistics of the annual production of the precious metals, the validity of which will admit of but little question.

*Estimated annual production of the precious metals throughout the entire world (exclusive of India, China, and Japan\*) at various periods during the nineteenth century. Sums in millions of dollars and tenths.*

Period.	Gold.	Silver.	Total.	Authority.
1800†	-----	36. 3 }	49. 3	{ Phillips.
1801	13. 0	----- }	-----	{ Birkmyre.
1829	5. 0	20. 0	25. 0	Estimate based on McCulloch.‡
1846§	29. 2	35. 5	61. 7	McCulloch's Dic. of Commerce.
1848	67. 5	-----	-----	Westminster Review, January, 1876.
1850	93. 2	43. 9	137. 1	McCulloch.
1851	120. 0	-----	-----	Westminster Review, January, 1876.
1852	182. 5	40. 5	223. 0	Journal des Economistes, March, 1876.
1852	193. 7	-----	-----	Westminster Review, January, 1876.
1853	155. 0	40. 5	195. 5	Journal des Economistes.
1853	-----	-----	160. 0	Blake.
1854	-----	47. 4	-----	Whitney, by countries, App. Cycl., XV, 53, new edition.
1854	127. 0	40. 5	167. 5	Journal des Economistes.
1855	135. 0	40. 5	175. 5	Ibid.
1856	147. 5	40. 5	188. 0	Ibid.
1857	133. 0	40. 5	173. 5	Ibid.
1857	-----	-----	195. 0	McCulloch.
1858	124. 5	40. 5	165. 0	Journal des Economistes.
1859	124. 5	40. 5	165. 0	Ibid.
1860	119. 0	40. 5	159. 5	Ibid.
1861	114. 0	42. 5	156. 5	Ibid.
1861	-----	56. 0	-----	Soetbeer.
1862	107. 5	45. 0	152. 5	Journal des Economistes.
1863	107. 0	49. 0	156. 0	Ibid.
1864	113. 0	51. 5	164. 5	Ibid.
1865	120. 0	52. 0	172. 0	Ibid.
1865	130. 7	62. 3	193. 0	Blake for gold, 1867; Phillips for silver, 1865.
1866	121. 0	50. 5	171. 5	Journal des Economistes.
1867	-----	53. 08	-----	Blake, by countries, App. Cycl., XV, 53, new edition.
1867	116. 0	54. 0	170. 0	Journal des Economistes.
1868	120. 0	50. 0	170. 0	Ibid.
1869	121. 0	47. 5	168. 5	Ibid.
1870	116. 0	51. 5	167. 5	Ibid.
1871	116. 5	61. 0	177. 5	Ibid.
1872	101. 5	65. 0	166. 5	Ibid.
1873	103. 5	70. 0	173. 5	Ibid.
1873	103. 5	76. 3	179. 8	Ibid. for gold, App. Cycl. for silver.
1874	90. 5	71. 5	162. 0	Journal des Economistes.
1875	97. 5	62. 0	159. 5	Ibid.
1875	118. 0	72. 0	190. 0	Estimate ¶

\* No mines in India. (McCulloch in Encyc. Brit., Ed. 1858, page 470.) Gold mines in China, but not worked (472) for the reason, according to Sir R. Murchison, that it would conflict with Chinese theory relative to maintaining "balance of the circulating medium." Otreschoff estimated total yield of precious metals in China, India, Japan, &c., in 1854, at \$30,000,000 a year, but this is evidently too high. Whitney estimates the gold product of all Southern Asia at \$600,000 a year. Perhaps, in view of Newmarch's statement, (Tooke, vi, 723,) that the specie (coin, trinkets, &c.) in India amounts to £400,000,000, of which say one-half is in coin, and allowing same for China and Japan, total coin in Southern Asia \$2,000,000,000—the annual product of Southern Asia may be approximately as follows: Silver 29, gold 1, total 30. Allowing  $1\frac{1}{2}$  per cent. per annum for wear and loss of coin, it would require at least this amount to keep up the stock, while European and American supplies would be needed for the arts and to make provision for increasing population. Adding these sums to the above estimate for 1874 we have the following grand total annual production for the entire world—sums in millions of dollars:

1874.	Gold.	Silver.	Total.
The world exclusive of Southern Asia.....	90.5	71.5	162.0
Southern Asia.....	1.0	29.0	30.0
	91.5	100.5	192.0

† Estimated by Raymond (Report of 1875) 15 gold and 40 silver; but this estimate, though not very wide of the mark, is without authority. Phillips gives details by countries.

‡ McCulloch states (and in this he agrees with all other authors) that the lowest point of production was reached in 1829. He states that Mexico and South America together only produced of both metals \$20,000,000, chiefly silver, and that very little was elsewhere produced. Allowing \$5,000,000 for what was elsewhere produced, crediting that \$5,000,000 to silver, and allowing one-fourth of the American product to have been in gold, (which exceeds the proportion estimated by Jacob for the same period,) I accord to silver \$20,000,000 and to gold \$5,000,000.

§ Estimated by Raymond at 43 gold and 39 silver; but wide of the mark and without authority. Birkmyre gives details by countries for 31.5 silver.

|| For about this date DeBow, ii, 558, gives \$131,500,000, gold and silver, as follows:

California.....	£14,500,000
Brazil.....	7,000,000
Russia.....	3,350,000
Great Britain, (silver).....	50,000
Asia.....	1,400,000
	26,300,000

\$131,500,000

Phillips gives details for 43.8 silver. (App. Cyc., xv, 53.)

¶ The French estimate is considered to be at least \$10,000,000 too low for silver. Silver in the United States for 1875 was \$25,000,000 more than in 1863. The French estimate is also believed to be too low for gold.

Taking silver by itself, we find that the annual production of the occidental world has but little more than kept pace with population. It was \$35,000,000 a year at about the beginning of the century; it was \$72,000,000 a year in 1875. The statistics of its annual production are characterized by the same steadiness that distinguishes its place in the circulation. If gentlemen want details, they can have them country by country. There is no guess-work here; we are standing upon solid rock.

Turning to gold, we find that the annual production has varied enormously. It was \$13,000,000 a year in 1801; fell to perhaps not over \$5,000,000 in 1829; rose to \$182,500,000 in 1852; fell to \$107,000,000 in 1863; rose to \$130,000,000 in 1865, and fell to \$97,500,000 in 1875, and with a downward tendency.

And yet this wildly fluctuating, ruinously unsteady metal is what the fledgelings of political economy, the charlatans of monetary conventions, and the numerous other dupes of Lombard street would divorce from its natural complement, silver, and have for a sole standard of value. As well have the rack for a measure. It has often served that purpose, only the thing that it measured was not value, but human endurance, and that seems to be about all that gold by itself is capable of measuring. Thirteen million dollars a year in

1801; \$5,000,000 in 1829; \$182,000,000 in 1852; \$97,500,000 in 1875. A wonderful measure of value indeed!

Let us suppose for a moment that silver had been demonetized by the entire commercial world at the same time that England demonetized it, to wit, in 1816, and the commerce, the business, and the vested interests, the daily labor and the time contracts of society left to adjust themselves in the course of twenty-six years (from 1803 to 1829) from a measure of \$1,800,000,000 of gold and silver coin to one of, say, \$700,000,000 or \$800,000,000 of gold coin. Recollect that even as it was, the whole of that period was one of bankruptcies and convulsions. Now, let me ask what it would have been had the evil been aggravated by the adoption of such a gigantic blunder as England set up in 1816 for the imitation of mankind?

We are upon the eve of another era of the same character. The annual supply of gold has reached its culmination. The supplies of gold are falling off. The river-beds of California and Australia have been washed; the surface gold has been secured; the quartz mines have measurably used up the paying ore; the water-line has been touched, and below it are only those sulphurets which as yet have not been successfully treated. Beware foreign influence! Beware the example of England! Beware England's fatal blunder of 1816! Beware the ruinous effects that followed close upon its heels! The causes of the bankruptcies of 1873, 1874, 1875, and 1876 may lie in deeper waters than the shallow stream which commenced to flow in October, 1873. They may lie in the shrinkage of gold—that gold which the ill-considered act of 1873 made the sole measure of values and the sole arbiter of fortunes in the United States.

For the purpose of testing by comparison the efficiency of gold as a measure of values, let us suppose again that gold was the sole legal-tender money of the commercial world in 1848. Will gentlemen attempt to deny that the stock of this metal in the coins of the commercial world more than doubled between that date and 1867? If this fact be admitted, must it not be perceived that, with gold as the sole standard of value, prices would have more than doubled during the course of these nineteen years, and that with such a great and sudden enhancement of prices the worth of all vested interests, the relations of all contracts, the entire distribution of wealth, would have been seriously affected? The widow and the orphan, left with a comfortable competence in 1848, might have had to eke out a scanty living in 1867; the lessor of 1848 might have been glad to abandon his property rather than pay the taxes and charges of 1867; the rich would have become undeservedly poor, and the poor undeservedly rich—a very equitable arrangement, according to some minds, and I confess I am not wholly unbiased that way myself; but I do not for-



get that I am now addressing the official successors of the authors of the act of 1873.

Observe, too, the effect which the enormous folly of demonetizing silver in certain states of Europe and in the United States has had upon the currency of Asia. If these statistics have even approximate worth, and there is no reason to subject them to the slightest suspicion of incorrectness, for they rest upon numerous authorities who derived their data from widely different sources, it will be seen that the currency of Asia has more than doubled since 1848, and probably chiefly since 1862. This currency is estimated to have amounted to \$700,000,000 in 1803, \$900,000,000 in 1848, and \$2,100,000,000 in 1872, chiefly in silver. So far as we know and are led to believe, from the character and institutions of the peoples of these countries, there was little or no increase at all in their numbers up to 1862, if, indeed, there has been any since that date. The increase of their circulating medium has, therefore, been almost absolute, and it must have had the effect of enhancing the present level of prices in those countries three times more than that of 1803.

No wonder that Mr. Secretary Bristow advises Congress that the abolition of our import duty upon tea has failed to cheapen the price of that article. Why we should have contributed, as we did contribute, by the suspension act of 1862 and the demonetization act of 1873, to triple the specie prices of everything we have had and shall have to buy from China, Japan, and the East Indies wholly surpasses the understanding. To men of plain minds it seems to have been the most stupendous folly.

#### APOLOGIES FOR SUBSIDIARY COINAGE.

To these grave charges about tripling prices in Asia there has been a weak and ill-considered reply, to the effect that while England and her subservient imitators on the continent of Europe and in this country have demonetized silver as a legal tender for the payment of debts, that metal has nevertheless been allowed to remain in the form of base coin for fractional currency or small change. It seems to have been forgotten that base or token money can only circulate to a small amount. For example, if gold and silver were now equally legal tender in Great Britain, as they were previous to 1717, a large proportion, perhaps one-half, of the whole amount of money now in the kingdom, which is estimated at \$575,000,000, (plus \$5,000,000 of copper,) would be of silver, which at the present moment is the cheaper metal at the relation of  $15\frac{1}{2}$ . In France, in 1860, where the double standard prevailed, and when gold was the cheaper metal at the legal relation of  $15\frac{1}{2}$ , a large portion of the entire metallic currency was of gold, (Seyd.) But instead of the currency of England being entirely of silver, at the present time there are in that country \$500,000,000 of gold and only \$75,000,000 of silver (tokens) in circulation, (Jevons.)

This result is due to the demonetization of silver, and from this cause some \$200,000,000 of silver, which would otherwise hold place in the money of that country, have either been melted up or exported; reduced either to plate or shipped to Asia. In the one case, lost almost irretrievably to civilization, so far as its agency in measuring values and stimulating industry is concerned; in the other, gone to help add to the strength and commercial resources of a semi-barbarous world.

But far more important than this is the consideration that the substance of which coins are made and the substance of which the standard is composed are altogether different matters. The coins of a country may be made of gold or silver; yet if wheat were made the standard of value, that is to say, if the coins were payable on demand in wheat, the prices of other commodities would fluctuate, not with the vicissitudes of coinage, nor even of the stock and production of the precious metals, but with those of the stock and production of wheat. Coins of this character would merely be tokens, promises to pay (wheat) stamped on gold or silver; of this character are the silver coins of England, and the silver half-dollars, quarters, and dimes of the United States. They are mere tokens, and, except at times when they rose in value (in the standard) so as to be worth melting or exporting, the metal of which they were composed would practically be demonetized.

#### SUBSIDIARY COINAGE NOT WHAT IS WANTED.

It is not merely urged by the advocates of the double standard that silver should have that subordinate place in the currency which is the utmost that can be filled by a token coinage, and which could be filled to a certain extent as well by any baser metal, or even, perhaps, by paper; it is not merely asked that silver shall be granted the same sort of recognition that is vouchsafed in social life to a menial. It is demanded that it shall be accorded the same rank in which gold has been maintained; the rank to which the great place of silver in the coins of the world, its universal distribution and appreciation, its ample and steady supply, its twin-birth, its utility and adaptability, and its worth as a measure of value, entitle it. With a double standard wisely fixed, all the moderately large payments would be made in gold and all the smaller ones in silver, just as for moderately large quantities of liquids the oaken hogshead is employed and for smaller ones the tin gallon. By forcibly interdicting oak, you might compel hogsheads to be measured by the tin gallon, just as by interdicting tin you might force gallons to be measured by the oaken hogshead. What is demanded for silver is that it shall be left free to assume its own rank in the currency, so that whenever it temporarily becomes the cheaper metal at the average relation to gold, it may for the time possess that same influence in modifying the measure of value that has been always so zealously accorded to it when it became the dearer.

## THE FLUCTUATIONS IN GOLD DUE CHIEFLY TO PLACER MINING.

It will not do to rejoin to this that the probabilities of gold again becoming the metal in more plentiful supply are remote. Even if true, this reply would confess the very selfishness of the champions of the gold standard which they have been so solicitous to conceal in the solemnity of their monetary conventions and the surreptitious character of their measures of legislation. But it is not true. Although at the present time the annual supplies of gold are falling off, it is impossible to predict how long this movement may last. While silver is essentially the product of industry and enterprise, gold is largely that of adventure and chance. This results from the physical fact that the last-named metal is nearly always found in alluvial deposits or placers, and it is from these sources that the bulk of the world's stock of gold has been obtained; this is never the case with silver.

## GOLD AT PRESENT CHIEFLY A BRITISH PRODUCT.

These facts bring under our consideration another important matter in connection with the history of the precious metals separately. It is this: that at the present time and for the main part the supplies of gold to the world are chiefly from British countries or countries subject to British domination. The following table will illustrate this very significant statement:

*Estimated annual gold product of the world at latest dates for which the statistics are attainable in the various official reports.*

The United States, 1875.....	\$26, 000, 000
Australia, &c., 1872.....	\$58, 000, 000
British Columbia.....	2, 000, 000
Canada and Nova Scotia.....	500, 000
Other British possessions and British isles.....	1, 500, 000
Total British possessions.....	62, 000, 000
Balance of the world.....	30, 000, 000
Total of the world.....	118, 000, 000
Proportion of the world's production from British possessions, (per cent.)	52½

From this table it will be observed that of the \$118,000,000 which represent the annual gold product of the world 52½ per cent. was obtained in countries over which the British flag waved or which were subject to British domination.

Is this, then, the secret of British plutocratical solicitude for the single gold standard? Is it not only that the people of Great Britain shall have the rewards of their labor measured by this diminishing measure, which is to be held tightly grasped in the monopolizing and cruel hands of their plutocratic lords, but that the labor of the entire civilized world shall be measured by it also? For one, I reply to this, never! And when this subject shall be fully understood by the

American people, the reply that I now make should echo and reverberate throughout the whole length and breadth of this great land. Never ought we, never will we, submit to have our labor and enterprise measured by a standard subject to the manipulation and pleasure of a foreign nation, and of a class hostile to the genius of our institutions.

#### THE DOUBLE STANDARD FOR THE UNITED STATES.

Hitherto the double standard has been alluded to with reference to its great superiority as a measure of value for the exchanges of the world. I now propose to treat it solely or chiefly with reference to the affairs of the United States.

Many of the considerations adverted to in connection with its superiority as a measure of value for all nations apply with equal, and sometimes more than equal, force to this nation. Briefly recapitulated they are mainly as follows:

The convenience of employing gold for moderately large payments and of silver for smaller ones induces both metals to be employed as money, whether one or the other, or both or neither, are made the standard of value. The violent aberrations in the annual supplies of gold, the steadiness of silver, the often deficient and sometimes excessive supplies of the one, and the always ample supplies of the other, forbid us to rely upon one as a standard of value to the exclusion of the other, and particularly when that one is gold. And this objection to gold as the sole standard of value obtains additional force at a time like the present, when its annual supply is diminishing every year, its distribution throughout the world is narrowing, and its production is at the mercy of the arms and legislation of a single powerful nation, and a class hostile to the growth and prosperity of republican communities.

Another basic consideration is the stock of precious metals in possession of the world, the product of many centuries of toil, abstinence, contention, suffering, and sacrifice. It is this stock which measures prices. Nearly one-half of it consists of silver. To demonetize this half will reduce all prices one-half and convulse every country in the world, except those which may refuse to take part in such demonetization.

Beyond these considerations, however, there are others which apply with peculiar force to the present time and to our own country. These will be treated in their proper order.

#### EFFECTS UPON THE DEBTOR AND CREDITOR CLASSES.

First, with regard to the effect of the standard on the debtor and creditor classes.

At the outset let it be premised, to the great honor and glory of our country, that in the sense in which the term is used in England we

have no debtor and creditor classes. Notwithstanding the tendency of the national debt and of the other financial scars which the recent great civil conflict has left upon the war-worn features of the nation, we have no permanent debtors and creditors. The man who is a debtor to-day becomes a creditor to-morrow, and the creditor of to-morrow becomes the debtor of next day after to-morrow. We are all in the same boat in this country; all struggling, toiling, risking, winning, or losing. There are no hereditary privileges, no entailed estates, no permanently vested interests. Misadventure, death, unexpected legislation, in a word, a thousand agencies are continually at work to redistribute wealth and redistribute poverty; while a free soil, boundless natural resources, thoroughly diffused and abundant education, and a universal spirit of enterprise, contribute to increase our stock of wealth; so that while the gifts of fortune are being continually redistributed, those of intelligence and industry, which are always fairly distributed at the outset, are being added to them—an equalizing reservoir with a primarily equalized and always-rising level.

Therefore, the remarks which will now be devoted to the consideration of the respective equities of the debtor and creditor classes will apply with far less cogency to the affairs of this country than to those of any other.

It was not complained by the debtor class, when the act of 1873 was passed, that it would tend to favor the interests of the creditor class, as it undoubtedly did. Why was no complaint made? Because the act was so drawn that it apparently related only to the technical regulation of the mints; and gave no notice, either from its title or its text, that that far graver measure, a change of the standard of value, was proposed. There is no mention of the term "standard of value" in the act; there is not even mention made of the silver legal-tender dollar which the act abolished. None but those fully conversant with the history of our legislation upon the subject of money, none but those who were familiar with the details and principles of the long-forgotten act of 1792 and subsequent legislation, could have understood the full purport of the important changes of legislation which the passage of the act of 1873 involved.

Moreover, specie payments had been suspended for eleven years, nor for more than two years afterward was there any provision made for resumption; and resumption appeared so far off in 1872—that is to say, at the time the demonetization act was introduced into Congress—that the effects of demonetization, coupled with those of resumption, were not realized or anticipated. The silver dollar had not been coined at our mints for many years, and during the fall of gold subsequent to 1848 had gone out of circulation, except for the payment of ground-rents in Philadelphia and elsewhere, and for the pur-



poses of the Asiatic trade. The demonetization of the silver dollar at such a period was, like a stab in the dark, unexpected, unseen, and not to be felt until too late to be averted.

There was, therefore, no notice to the debtor class, who are always the poorer class, and therefore the more numerous and widespread, the least organized, the least protected by the law, the least courted by ambition or favored by power.

In the absence of such complaint from the debtors in 1873, in the absence of any notice which was practically accessible to them of the supernal importance of the change proposed, what right would now the creditor class possess to object to the rehabilitation and restoration of the double standard? Clearly none whatever.

I do not speak now of the creditors of the Government, whose status in respect of the coin in which their claims are to be paid is not proposed to be discussed; I speak of creditors generally. In view of the concealed effects of the demonetization act of 1873, in view of the fact that resumption was not provided for until 1875, in view of the utter absence of complaint from the debtor class when the demonetization act was passed, what right, or even shadow of right, has any class of creditors now to object to the monetization of the silver dollar? The demonetization act was not passed at their solicitation any more than it was passed with the knowledge or concurrence of the debtors. It was not a contract between the Government and the people. It was a mere caprice of legislation, which could be undone, which in deference to public policy and justice should be undone, and which, under our organic law as I hope presently to show, which raises the double standard far above the province of legislation, must be undone.

But putting all this aside and looking at the question purely as an economical and political one, and without reference either to its merits or its history, both of which so emphatically decide in favor of the double standard, let us see which class it is that, when benefits or advantages are to be dispensed, a wise and particularly a republican Government should favor.

Is it the creditor class, who consist to some extent of capitalists whose estates were hereditary, and of others whose estates were the result of chance, unexpected death, unlooked-for legislation, or extraordinary and unforeseeable events? Is it the creditor class, whose garnered capital represents the results of past labor, perhaps of that of the serf, the slave, the overworked, browbeaten, fagged, and famished victim of toil? Is it the creditor class, who are always allied to an effete conservatism, out of which spring caste and aristocracy and feudal privileges and every other odious form of power, to whom legislative favors shall be granted? Is it the creditor class, who least stand in need of such favors or advantages?

To whom shall legislation dispense what small favors it may have to bestow in a country so free and republican as this? Shall it be to the class whose tendencies I have depicted or to the debtor class, to the poor, the needy, the temporarily depressed, the cast-down, the struggling, the toiling, the enterprising, the active, the aspiring, the ever hopeful?

Shall the favors of legislation be granted to those who ask for them and fawn and intrigue for them, or to those who never ask, nor fawn, nor intrigue?

Shall they be granted to those whom we here in Congress do not represent, or to those whom we do?

Shall they be awarded to the many whose servants we are, or to the few whose servants we are not? For remember that this is a Government based upon numbers and not upon wealth, and that the States and Commonwealths which are represented in this Chamber are also based upon the principle of numbers, of the greatest good to the greatest number.

If there are favors to be accorded, let the people have them. It is upon *their* prosperity and welfare that this country, nay the entire world, essentially depends for its advancement; not upon the patronage of a class.

#### NO ADVANTAGES TO BE GAINED BY EITHER CLASS.

But I deny that there are any favors or advantages to be granted by a return to the double standard. A single standard confers advantages, advantages to the few, while a double standard divides and distributes advantages. This is fully illustrated by Professor Jevon's diagram. The double standard both gives and takes. It strikes a medium between the metals, although but one of them may chiefly be employed in the currency and that the one of temporarily the lesser purchasing power. There is no practical difference between its effects and those which would flow from the adoption of a single metal which is adhered to as the standard forever, a metal which is always in as sufficient supply and as widely distributed and largely held as now are both the metals combined, provided such a metal could be found. And whatever infinitesimally small difference there is, whatever poor crumb of advantage the restoration of the double standard would afford to the debtor class, it bears no comparison at all with the full ration, the stuffed loaf of advantage, which the continuation of the single gold standard is destined to confer upon the creditor class while the annual supplies of gold are diminishing in quantity. Whatever advantage there was in the double standard, if it was worth the planning of one class to destroy it, it is due to the interests of the other and the welfare of the nation to restore it.

Moreover, and from a higher point of view, it is in the long run

really to the interest of the creditor class, as well as of that larger class who are neither creditors nor debtors, for us to restore the double standard. It is to the interest of honor, of virtue, of religion, of goodwill to all men and peace upon earth. It will tend to save the debtor from despair and the resources which despair invites; from dishonest bankruptcy, from flight, from the sequestration of property, from its malicious and revengeful destruction, from popular agitation, agrarian disturbances, and revolution, and from recourse to "interchangeable bonds" or other covert forms of repudiation.

I have said that the practical effects of the double standard would be like that of a single metal which is adhered to forever. I meant by this that a single metal adhered to forever would have its ups as well as downs, as England has had with gold since 1816. It was down with the people of that country until about the year 1832 or 1837, then slowly up until 1848, then rapidly up until 1865, and since that year slowly down. With a double standard England would have had fewer of these vicissitudes; with the restoration of our double standard we shall have fewer of them than otherwise. These vicissitudes are clearly traceable to those disturbances of the double standard which commenced in 1816. They are still unsettled. With their settlement, with the return of nations to that dual employment of gold and silver which was never interrupted until England saw fit to interrupt it, will doubtless return that era of monetary ease and serenity which characterized the last century, during which the Bank-of-England rate scarcely varied one-half of 1 per cent. Bank panics and financial revulsions will disappear, and possibly also the thousand and one mad schemes of irredeemable paper which necessity and despair have driven men to entertain.

But a single standard adhered to forever is something that even were a steady enough and otherwise suitable metal obtainable for the purpose, which is absolutely denied, is not to be looked for. It is true that England adhered to gold all through that period so trying to her plutocratical rulers from 1848 to 1865, but it was not without having often been on the point of abolishing it and resorting to some substance for money the supplies of which did not increase so rapidly. The propositions of Cobden and some of the other writers I have quoted in favor of adopting wheat, &c., as standards of value sufficiently attest the alarm of the ruling classes. But fortunately for the people of England the popular sufferings of the previous period from 1816 to 1830, when gold was yearly diminishing in supply, had gone far enough to produce the reaction which the short-sighted and selfish adoption of the gold standard so richly merited. A stern remembrance of these sufferings was abroad in the land, and forbade any further tampering with the standard. The people said in effect, said it in the chartist and the anti-corn law and the reform contentions, "It was

your turn a while since; it is ours now. Stand back, and let's have fair play!" The yeomanry of England had arisen from its pauper grave, and the voice of power trembled and was hushed in its presence.

While these circumstances forbade the desertion of that standard which the plutocracy of 1816 had set up for itself, there is no assurance that they would not again be evoked to prevent a change of the standard from gold to silver should the latter once more become the dearer metal. The plutocracy of England found strong enough arguments to change the standard from the double to the single and from silver to gold. The plutocracies of the continental countries have changed from one metal to the other whenever it suited, or they fancied it suited, their present interest most. Neither, with the increasing advantages and power which the retention of the gold standard would confer upon our rising and promising regiments of plutocrats, would this class fail to make similar attempts in this country, and particularly if the easy success they met with in 1873 is suffered to stand unrebuked. In effect, the standard would be changed whenever there occurred a marked change in the value of the metals.

We should have a double standard, indeed; only, instead of standing upon two supports, it would rest upon one. Instead of having its center of gravity always midway between its supports, it would have one that rocked to and fro, and at every oscillation tore away a portion of those foundations of equity upon which alone republican institutions and republican government may permanently rest.

#### RESORT TO A GOLD STANDARD INEVITABLY INVITES PAPER INFLATIONS.

An extremely important consideration has been adverted to and demands some elaboration. It is this: that any attempt by force of law to substitute gold for silver in the money of a country, at a time when gold is becoming scarcer, either absolutely or relatively as to silver, must surely result in producing paper inflations. Paper notes, either representative or unrepresentative, are sure to be issued as substitutes for gold as it becomes scarce. Any attempt to artificially enhance the purchasing power of gold, either by demonetizing or partly demonetizing silver—and the act of 1873 is of this nature—is certain to invite or prolong the issuance of paper notes. By artificially enhancing the purchasing power of gold the profits arising from the issuance of paper notes are enhanced, and the pressure on the part of banks and individuals to obtain authority to issue them, if indeed the decline of prices and consequent stagnation of industry do not induce the Government itself to issue them, will become too great to be successfully resisted. This authority once obtained, or this power once exercised, it always proceeds to extremes. Neither reason nor prudence sets a limit to the emission of paper notes; the emission usually continues until it ends in general bankruptcy.



This, then, is what the purblind, short-sighted advocates of a single metal, when both metals together are barely more than sufficient to prevent the world's stock of coin from falling behind the increase of population—this is what they would invite. They would press the blade down to the point at which it is bound to spring up; spring up in defective and excessive credit, in speculation, in madness, in bankruptcy, and in crime. They would twist the thumb-screw down until the debtor was reduced to poverty and despair, forgetting that they themselves more than any class of persons were interested in keeping him solvent and prosperous.

The lesson is the same in all artificial or forced systems of currency. Money came into existence freely, and it has never yet yielded up its birthright. Legislation should not, legislation *cannot*, enthrall it. Beyond the scope of temporarily fixing the relation, which should be the mean natural or market relation, between two metals, both of which are indispensable for the purposes of exchange; beyond manufacturing and unitizing coins and punishing counterfeiters; in short, beyond the exercise of that surveillance which may fitly be termed the police of money, legislation has neither rightful function nor power. All it can do beyond this is to confuse, to deceive, to injure, to disturb, and to invite loss, discontent, turbulence, violence, and anarchy.

Gentlemen may fancy that they are playing upon a very simple instrument when they undertake to meddle with money. But they are mistaken. The apparently simple instrument is an organism of the most complex character, the result of thirty centuries of growth and development, and, like all highly-developed organisms, impatient of control or restraint. It recoils from the first touch of an unaccustomed hand; it gives forth alarming sounds; and if further meddled with, it revenges itself upon its disturber with overwhelming ruin.

#### DANGER OF ABANDONING THE DOUBLE STANDARD.

It is impossible to resume specie payments in gold alone. Let us try to grasp the full significance of this proposition, if even it be only in one respect—that of the capacity of the mines of the world to supply it with gold enough to measure its exchanges without the co-ordinate employment of silver. Given bills of exchange, given certificates of deposit, given bank bills, given Government legal-tender notes, given railways, telegraphs; in short, any form of representative or non-representative money or of agencies for increasing the rapidity of its circulation; given all these, and the world now employs them all whenever and wheresoever they can be employed with safety or advantage, and often when neither one nor the other is secured—given all these, and yet a certain quantity of the precious metals is needed at bottom, as the foundation upon which the entire basis of credit, safe and unsafe, must rest. Now, how much does this indispensable quantity of the precious metals amount to at the present time?



There is no difficulty in answering this question. The world's stock of coin is \$5,700,000,000, of which nearly one-half is of silver. Of this sum, Europe, America, and the rest of the occidental world employ about \$3,600,000,000. Previous to the late partial demonetizations of silver in the Latin Union, and in Germany and the United States, these \$3,600,000,000 consisted of, let us say, \$2,000,000,000 of gold and \$1,600,000,000 of silver. They now consist of, say, about \$2,400,000,000 gold and \$1,200,000,000 silver. By continuing to exclude silver from equal participation with gold in the currency of the United States, and attempting to resume specie payments, we occasion a demand for, say, \$350,000,000 of gold wherewith to pay off the greenbacks and furnish bank reserves, and \$50,000,000 of silver in lieu of the fractional notes. If we could obtain these \$400,000,000 of metal without drawing it from other countries in Europe or America, they would add so much to the stock of coin in the occidental world, which would then be \$2,750,000,000 of gold and \$1,250,000,000 of silver. This is the answer to the question so far as the occidental world is concerned. The quantity of the precious metals needed for money and the basis of credit in the occidental world—that is to say, the quantity needed to maintain prices at their present level—is at least \$4,000,000,000. Of this sum the United States, if it succeeds in resuming specie payments, will hold about \$400,000,000.

Now, let me ask, in the first place, where these \$400,000,000 are expected to come from? Gentlemen may dispute the premise and contend that no such sum as \$400,000,000 is necessary. They may point to the fact that just previous to the time of the suspension in 1862 the entire stock of coin in this country was estimated at not over \$300,000,000, (Finance Report, 1861, pp. 25 and 62,) of which probably not over three-fourths or \$225,000,000 were in gold. Granted that this was the fact, and I have no doubt it was, it must not be forgotten that since 1862 the population of this country has increased 50 per cent., and its exchanges fully 100 per cent. What is the proof of this? Simply that in 1861 our whole circulating media consisted of \$300,000,000 in coin and \$200,000,000 of bank-notes, which circulated within limited areas at or nearly par; whereas now it consists of not more than \$140,000,000 of coin and some \$750,000,000 of Government and bank paper, the latter circulating (throughout nearly the whole country) at about  $87\frac{1}{2}$  cents to the dollar; say total circulation at par equal to \$800,000,000. This is 70 per cent. more than the par circulation of 1861; an incontestable proof that exchanges have increased in volume at least 70 per cent. Taking into consideration the superior activity of the legal tender and national-bank notes over the old State-bank notes, and the improvement and development of railways, telegraphs, clearing houses, and other mechanisms of exchange, since 1861, it cannot be doubted that the bulk of

to-day's exchanges in this country is at least double that of a corresponding day in 1862. Suppose, however, we put it at only 70 per cent. higher; then, in order to resume specie payment upon at least as firm a footing as specie payments stood in 1861—and the universal suspension of the banks toward the end of that year proves that it was not so firm a footing as could have been wished—we shall require at least 70 per cent. more specie than we employed in 1861. Add 70 per cent. to \$300,000,000, and you have \$510,000,000. Allow \$140,000,000 for specie already in the country, in the banks, in private hands, and in the vaults of the Treasury, and you will need \$370,000,000 in order to resume. Of this \$370,000,000 the Government will need, perhaps, about \$350,000,000, and the banks the remainder. But the apportionment is of no consequence in this connection. The substantial fact is that in order to resume specie payments we shall need \$370,000,000—say, for round figures, \$400,000,000—of specie, of which, under the operation of the act of 1873, about \$350,000,000 must be in gold.

I now ask where are these \$350,000,000 expected to come from? Again, do I fancy I hear interpellation. I shall perhaps be told that a proposition is even now before Congress, a proposition from careful and able sources, and boasting the indorsement of high financial authority, a proposition which assumes that \$100,000,000 in gold will be sufficient wherewith to enable the country to return to specie payments.

I refer to a speech which has been made in the Senate. But I warn gentlemen to beware of making a mistake in respect of this matter, for a mistake will set us back many years. The British government tried to resume in 1817, after a suspension of twenty years, but it failed, and resumption was deferred for seven other years, until 1824. If we try to resume in 1879 with \$100,000,000 and fail, we may be set back a quarter of a century. Moreover, if we fail, somebody—most probably some clique of stock-gamblers—will make 15 or 20 per cent. out of the operation. How? Easy enough! Knowing that \$100,000,000 was the limit of the Government's ability to pay, they could easily make arrangements with the banks and depositories throughout the country to withdraw \$100,000,000 of greenbacks on the eve of the day of resumption, and present them for payment at the Treasury. After having drawn the last dollar of specie out of the latter they could, by presenting an additional note, compel it to suspend again. Then gold would go up once more, perhaps to the full extent of the figure from which it would have fallen, and the clique could sell their specie in the market and realize their profit.

This is not only a possible occurrence; it is a probable one—a highly probable one, almost a certainty. There is nothing in the world to prevent it, except two things: First the inability of a clique to raise

\$100,000,000 ; second, the possibility that the Treasury, in offering to redeem its issues, may arbitrarily and unexpectedly prefer notes of particular numbers or dates of issue. But these objections are frivolous. Experience has demonstrated that there is no difficulty whatever on the part of stock-jobbing cliques to raise \$100,000,000, while, with regard to making preferred credits of certain notes, the Treasury has no authority to do so, and if it had, the exercise of such authority would be almost certain to be defeated through treachery. Secrets so weighty as this one would be, are impossible to keep. Even if it did not leak out, the clique would be certain to monopolize the Treasury doors to the exclusion of all comers. In short, wealth, power, organization, experience, and special training would be ranged on the one side, against a scattered and indifferent population on the other; and who can doubt which would win?

Finally, even if carried out successfully, the exercise of such authority would be unlawful and unjust.

We cannot resume with \$100,000,000, nor with \$200,000,000. Why, gentlemen, we have have had \$140,000,000 in specie in the Treasury on several occasions during the past ten years. If it is practicable to resume now with \$100,000,000, why was it not practicable on those occasions with \$140,000,000 ? It was certainly not for lack of desire on the part of the Secretary of the Treasury, but simply because both the Secretary and Congress plainly saw that the thing could not be done.

It is better to be on the safe side of an operation of this magnitude and importance. It is better to have a dollar more than is necessary for the purpose of resuming, than a dollar less than is necessary. We cannot expect to resume upon false pretenses. We cannot, and if we can, we ought not, hoodwink the people, or run the risk of failing, and, therefore, of unsettling values for an indefinite period in the future. In order to resume we must pay dollar for "dollar," and dollar for dollar, as the law now stands, means at least \$350,000,000 in gold.

And now for the third time I ask, where are these \$350,000,000 to come from ? Gentlemen may differ with me as to the sum needed for resumption. Some may believe \$200,000,000 are enough, others may even consider \$100,000,000. I have briefly discussed these opinions, and do not believe that less than \$350,000,000 will suffice. With only \$129,500,000 of Bank of England and \$144,000,000 of provincial bank-notes afloat in 1815, total \$273,500,000 in paper, England required over \$270,000,000 in coin before she was enabled to resume. After you shall have resumed, less coin may be required in the country ; but in order to resume, you will require a dollar in coin for every dollar of Government paper afloat, and, in my opinion, and, as shown by the experience of England, you will also have to give the national banks

time to acquire an equal fund of specie before they can resume; otherwise, you may bankrupt every one of them.

Confining myself to the strict requirement of the Government, I again ask where is the requisite specie to come from if we are to depend upon gold alone?

The annual gold product of the world is given at \$97,500,000, of which let us say the whole amount can be retained in the Occident, which all will admit is a violent stretch of probability. It is estimated that considerably more than one-half of this supply is needed for the arts, for gilding, plating, watch-case making, jewelry, and the like. (Seyd.) Let us limit this demand to one-half. This would leave a supply of say \$49,000,000 of gold per annum available for the maintenance and increase of money. The maintenance of money costs, about  $1\frac{1}{2}$  per cent. per annum in abrasion and loss. One and a half per cent. on the present occidental stock of \$2,600,000,000 gold amounts to \$39,000,000. This is the quantity of gold needed every year to maintain the existing stock of gold coin in the Occident. Deduct this from \$49,000,000, the total annual supply available for money, and there would remain a surplus of \$10,000,000 a year. It is out of this surplus that our \$350,000,000 must come, unless it comes out of the existing stock in other countries, a point which will be considered further on.

Upon the most favorable hypotheses, after according every debatable point in favor of the feasibility of the proposition, we should have to wait nearly thirty-five years to accomplish it in practice; for if we managed to obtain every ounce of gold which can be spared from the supplies of the world for the next thirty-five years, we shall barely have secured enough.

There are considerations, however, which render some of these hypotheses untenable.

The entire population of the occidental world is increasing at the rate of 1 per cent. per annum. (Essay on Population of the Earth in New York Independent.) Even if its exchanges or their bases increased no faster than its population, this fact would require an annual addition of 1 per cent. to the stock of coin. At the present time this would absorb nearly \$3,000,000 per annum.

The demand for gold in the arts will undoubtedly increase at, at least, an equal rate. The probability is that it will increase, because it has increased at a greater ratio. Limiting it to this ratio, it will amount to nearly another \$3,000,000 per annum.

The annual product of gold throughout the world is diminishing. It was \$182,000,000 in 1852; it is given at only \$97,500,000 in 1875. This is a decrement of over \$3,500,000 per annum.

On account of these considerations we must subtract about \$9,500,000 per annum from the world's available annual surplus of

\$10,000,000, leaving but \$500,000 per annum to spare. At the rate of \$500,000 per annum we shall need seven hundred years in which to garner up \$350,000,000, the amount necessary wherewith to resume payment in gold.

The possibility of performing even this feat rests upon the assumption that Austria, which has a forced paper currency; and Italy, which has a forced paper currency; and Russia, which has a forced paper currency; and several other countries which have forced paper currencies—countries which in the aggregate contain one-half of the entire European population of the globe—will be content to wait until the United States gets its quantum of gold wherewith to resume, before they will make any move to effect a similar reform in their own currencies. It rests, also, upon the assumption that the people of the United States will wait during these years for the consummation of resumption; wait without complaint, without further legislation, without getting tired, or yielding to the clamors of interest, or prejudice, or ignorance.

#### RESUMPTION ON A GOLD BASIS IMPOSSIBLE.

I tell you, gentlemen, the thing cannot be done! Resumption in gold is out of the question. It is not practical financially; it is not practical metallurgically; it is not practical internationally; it is not practical politically; in short, it is not practical at all.

I can no longer wonder that the interchangeable theory or any other form of paper lunacy has obtained a footing in the land. So long as intelligent and educated men will persist in attempting to do that which the most unintelligent and uneducated plainly perceive to be impossible, so long will demagogery and roguery have a footing. "My plan," they will say, "is at least as good as theirs;" meaning that of the gold resumptionists. And I must confess that I assent to their proposition. One plan is quite as good as the other, and not a whit better. They are both utterly impracticable, and no attempt to carry out either one of them can have any other than one ending: failure, violent fluctuations, and unsettlement of values, distress, commotion, and the grave dangers that lurk beneath all violent upheavals of the body-politic.

There are two forms of reply that I anticipate to the assertion that it is impossible in less than a great number of years to obtain the requisite supply of metal wherewith to resume specie payments in gold. One is if money is merely a measure of values, why will not \$100,000,000 or even \$50,000,000 measure values as well as \$350,000,000 or any other sum? The puerility involved in this reply needs little further response than what has already been accorded to it in a previous portion of this speech. If there was no accumulated stock of coin in the world upon which values throughout the world already



rested ; if there were existing no contracts, rents, leases, bonds, mortgages, and the like, executed in the past and maturing now, or executed now and to mature in the future ; in a word, if the world was born to-day, \$50,000,000 would in theory answer quite as well for the entire money of this country, ay, even of the whole world, as any other sum. But the world was not born to-day, nor yesterday, nor the day before. The stock of coin which forms the substratum of the world's prices is the accumulation of fifty centuries, and bargains are being made every day—for example, Government and corporate debts—which cover long periods of time. To disturb these prices and contracts by forcing the exchanges of the country to be measured by a sum of specie so vastly less than its usual measure, as \$100,000,000 or even \$200,000,000 would be, would be tantamount to the violent destruction of vast interests and a wrenching of all the relations of industrial and social life. Imagine workingmen's wages at twelve and a half cents a day in this country, while they stood at \$2 in France or England. Imagine our railway corporations forced to pay their rents on long leases and the interest on long bonds in daily appreciating gold. Would not this be quite as unjust as, on the other hand, by issuing a daily depreciating interchangeable token to gratuitously save them from that disaster ?

The other reply that I anticipate to the objection that we cannot obtain gold enough wherewith to resume is this: "We can obtain the gold from Europe." Can we? Let us examine this point.

CAN WE GET GOLD ENOUGH FROM EUROPE WHEREWITH TO RESUME SPECIE PAYMENTS ?

When a merchant proposes to buy a large quantity of a given article, his first thought is to compute how much his demand will raise the price of the article during the progress of the purchase. The first element in this calculation is the stock on hand, the next is the current supply and demand. It is the same with the stock-operator, in short, with dealers in all commodities. Why should it not be the same with Government, when it goes into the market for \$350,000,000 of gold ?

The current demand and supply of this article has been discussed. There is no stock of it on hand in the same sense that there is a stock or accumulation of merchandise. The stock of merchandise is the unused portion—the surplus. There is no unused stock of gold coin in the world, no surplus. It is all in use to support prices;\* withdraw it, and the whole fabric of prices and credits falls to the dust. The stock of gold in Europe and the countries settled by Europeans amounts to about \$2,600,000,000. On every one of these dollars stands a vast and almost toppling superstructure of credits in every conceivable form. You now propose to purchase one-eighth, almost

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\* The legal-tender portion at a full ratio of activity ; the subsidiary coins at a lesser rate.

one-seventh, of this entire basis of the rest of the occidental world's exchanges and credits. Do you believe you can do it? Do you believe you can offer your bonds or your merchandise in the markets of Europe low enough to purchase with them \$350,000,000 of gold? Do you suppose that United States 5 per cent. bonds at par, or 90, or 80, or even 70, will accomplish it? Or, to put it another way, suppose you determine not to sell your bonds under par; do you suppose that you can place them at any rate of interest to which the self-respect of this country would submit, or which its resources would justify? Do you suppose that when you commenced to draw gold from Europe, the Bank of England and other like institutions would not raise their rate of interest to 7, 8, 10, or even 12 per cent.? You know that this is always done when specie is observed to be flowing out. You know that it must be done. And do you suppose that when it is done you can place your bonds at any lower rate of interest than the bank rate? Do you imagine that American produce or manufactures offered to Europe at three-fourths of their present market prices will do it?

Well, then, I do not. To induce Europe and the European world to part with one-seventh of its measure of exchanges and basis of credit within the time fixed for the resumption of specie payment in this country you would have to sell all your movables—for remember that lands, which constitute more than one-half of our wealth, cannot be exported—at prices which would bankrupt every industry in this country. You might get \$10,000,000 or \$20,000,000, or perhaps even \$50,000,000 in gold. By dint of hammering the bond market (and you would have to authorize the Treasury to sell below par, at any price the bonds would fetch) during the two years and a half now remaining you might even get \$100,000,000 of metal; but when you shall have taken \$100,000,000 away from Europe you will have produced a commotion and a fall in prices on the other side that, if it did not lead to the closure of the European stock markets to American bonds, would certainly precipitate a tremendous financial convulsion.\* As for this side, the effects would be no less alarming.

Recollect, gentlemen, that the problem is that of taking \$350,000,000 in gold out of a fully occupied and heavily over-topped basis of only

\*When the negotiations were going on in London for the sale of the largest amount of United States bonds that has ever been sold there at one time, it was foreseen by the Bank of England that a quantity of coin would accumulate as the proceeds of these bonds to the credit of the Government of the United States. As a matter of fact there was an accumulation of about \$21,000,000. The Bank of England, foreseeing that there would be an accumulation of coin to the credit of the United States, which might be taken away bodily in specie, gave notice to the officers of the Treasury Department of the United States that the power of that institution would be arrayed against the whole proceeding unless we gave a pledge that the coin should not be removed, and that we would re-invest it in the bonds of the United States as they were offered in the markets of London. *We were compelled to comply.* (Speech of Senator BOUTWELL, formerly Secretary of the Treasury. Congressional Record, Forty-third Congress, first session, volume 2, part 6, page 23 of Appendix.)

\$2,600,000,000 in the occidental world. It is not the whole stock of metal, both silver and gold, that we can now call upon, as in former days. Silver has been demonetized in several countries of Europe; it has been demonetized here. We have thoughtlessly so worded our laws that, until we alter them, we can only pay in gold. The Latin Union, Germany, and Scandinavia, together with England and Portugal, &c., have so worded their laws, whether thoughtlessly or not you can decide for yourselves, that gold alone is the legal tender in those countries for the payment of large sums, and its value is the standard of all payments, large or small. We would demand of them one-seventh of their entire stock, which now, unlike the period from 1848 to 1865, is not increasing; which, in fact, has a strong tendency to decrease. Who, under these circumstances, will have the hardihood to assert that this problem is a practical one? And who will venture to deny that, if it is solved at all, it can only be solved at a sacrifice more overwhelming than any which has presented itself to the consideration of financiers since the study of money, its functions and its vicissitudes, first became a science?

OUR INTEREST CHARGE ANOTHER OBSTACLE TO RESUMPTION IN GOLD.

On top of the many insuperable difficulties which lie in the way of resumption in gold lies another one which is as great as any of them, and which you would augment by attempting to resume in gold. I allude to the interest on the public debt, which debt is very largely held abroad. This interest now amounts to nearly \$100,000,000 per annum. By selling bonds to the extent of \$350,000,000, say, at 10 per cent.—for it is perhaps hopeless to expect to do it at a lesser sacrifice—you will add \$35,000,000 a year to your gold interest debt, and those \$35,000,000 to the portion held abroad. Where are these \$35,000,000 to come from? Where are the whole \$135,000,000 to come from? Your annual interest charge will alone amount to more than the whole world's product of gold. So far as the portion of it which is paid to bondholders in this country is concerned, it may stay here and be thrown upon the market and purchased by the Government, and so used over and over again, as is the case now. But not so with the portion that goes abroad. You cannot hope to get any of that back without selling the merchandise of the country at lower rates than Europeans will be willing to take for similar merchandise of their own production; and after you shall have drained Europe of one-fifth of its specie, (one-seventh of the whole occidental world's, or one-fifth of Europe's,) prices will fall to a very low point there, and you would have to sell very low to compete. Are your farmers ready to deliver their wheat in Europe at the rate of forty or fifty cents a bushel? Are your manufacturers prepared to sell their cotton prints at two cents a yard?

I warn you, gentlemen, that the attempt will be futile; that the

thought is absurd; that the whole theory of endeavoring to destroy one-half of the world's accumulation of the precious metals or of taking part in the attempt, as you would do by attempting to resume in gold alone, is sheer madness.

COMPARATIVE EASE OF RESUMING IN THE DOUBLE STANDARD.

Now let us contrast with this impracticable scheme the ease of resuming specie payments in both the metals, or on the basis of that double standard which the world has used for thirty centuries, and after an endless variety of experiments, without being able to dispense with it or even venturing to trifle with it until Change Alley found that money was to be gained by inducing these experiments to be made in England and on the Continent.

If we resolve to resume in gold and silver, instead of having to draw upon a fund of \$2,600,000,000 and an annual supply of \$97,500,000, as in the case of gold alone, we would have a fund of \$5,700,000,000 and an annual supply of \$170,000,000 to draw upon. Not only is the fund more than twice as great, and the supply nearly twice as great, but both the fund and the supply are more widely distributed. Instead of having to draw upon the Occident alone, we would have the whole world to draw upon. Three hundred and fifty millions in gold form one-seventh of the entire stock of that metal; the same sum in both the metals forms less than one-sixteenth of the entire stock. If a draught of one-seventh would occasion a fall in prices of 15 per cent., a draught of less than one-sixteenth would occasion a decline of less than 6 per cent.; and while 15 per cent., during two and a half years—equal to 6 per cent. per annum—would sweep away all and more than all the profits of industry, which, on the whole, do not net over 3 or 4 per cent. per annum; 6 per cent. in two and a half years, equal to 2½ per cent. per annum, would enable us to get back to a sound measure of values without the loss of more than a very small portion of our current industrial profits.

It has been objected to the monetization of silver by the United States that the Comstock lode was vomiting forth a vast surplus of that metal. It is only to be regretted that this is not the fact; for if gentlemen will consult the statistics of the precious metals, they will perceive that since 1852, when the product of gold and silver was \$223,000,000, the annual supply has fallen off so that in 1875 it was but \$170,000,000, and in 1876 will probably not be more. There is therefore great danger of a dearth of metal, and it would be fortunate if the yield of the Comstock lode were more prolific than it is.

My fear is that this polifecity, such as it is, will have reached its maximum within the present year. It is the candid opinion of a man who has devoted nearly thirty years of his life to the practical working and management of gold and silver mines that, so far as the Com-



stock lode is concerned, and he is entirely familiar with this great silver deposit, we have arrived at the beginning of the end. We now know the probable dimensions and bearings of the ore-producing chimneys, and can very plainly foresee their early exhaustion. Whatever the fact may be with regard to the Comstock lode, and at best it is but matter of opinion, we know that for the present, and so far as we can see ahead, the combined annual product of the two metals throughout the world, as compared with late years, is decreasing.

If now the question be asked, Where will you get your \$350,000,000 from upon which to resume? the best answer we can make is: From the world at large; from a stock of \$5,700,000,000 in gold and silver coin; from an annual supply of \$170,000,000; from Europe, from Mexico and South America, from Asia, and, readiest and best of all, from our own mines.

In buying metal from the rest of the world, as we should have to do had we no great mines of our own, we should have to buy it with the accumulated charges of transport and coinage upon it. In buying it from our own mines we can buy it at its worth upon the spot of production, without transportation, or coinage, or interest, charges upon it.

#### RESTORATION OF THE DOUBLE STANDARD AND OUR MINING INTERESTS.

And here let me say that the mining interests of this country are represented not, as some persons absurdly suppose, by a few millionaires, but for the most part by a vast number of persons, with no other resources than their intelligent minds and willing hands, who work in the mines for daily bread, and by a scarcely less numerous class of small proprietors, themselves also workingmen, who hold each a few shares in the mines in which they are employed.

The miners of the West are among the most stalwart and spirited yeomen in the world. They are inured to danger and toil, and are brave, strong, intelligent, and self-reliant. In weary processions across alkaline deserts, under equatorial and blistering suns, across mountain and valley, desert and plain, amid the attacks of savages and the fevers of tropical swamps, they marked the path and blazed the trail of western empire. They overcame every hostile condition and builded, on foundations of liberty and justice, three great States in your western border. They conquered the Genius of Sterility in its stronghold, built cities 10,000 feet above the level of the sea and hewed out thrifty workshops twenty-five hundred feet below the surface of the earth. They have organized mining with the exactness and thoroughness of science, and in this respect placed this country in the vanguard of the nations. They have neither avoided your tax-gatherers, sought your subsidies, nor demanded your protective legislation. Nor do they do so now. They only ask that you shall legislate in respect of this great question in view of the history of



the world, the Constitution of the country, and the facts that surround you.

While the miners of this country have the highest right both by reason of their birth, their indomitable love of freedom, and the perilous nature of their industry to demand both favor and advantage from the Government, they do not ask for either. But they demand that the Constitution shall be respected and the laws enforced under which they established the great industry which they represent. They know full well that the world's accumulated stock of silver is too vast and the annual diminution from abrasion and loss too great, to fear any permanent or continued fall in the price of that metal. They know that silver must continue to remain the money of a main part of the world for centuries to come, and that it cannot be dispensed with in any part of the world. They understand too well the fluctuating character of the supplies of gold to fear that this metal will permanently usurp the place of silver in the money of the world or in the money of any considerable part of the world. They perfectly well comprehend the fact that the present slight fall of silver is due to the mad attempt to demonetize it wholly or partly in the countries of the Latin Union and Germany, and are not at all alarmed, either as to the success of this attempt or the future price of silver. They believe as Jefferson said in discussing this very same subject nearly a century ago, that the world's long and constantly-tried experience of silver is a kind of precedent which it is tolerably safe to trust to.

Our miners understand that silver is of constant, steady, and moderate supply; keeping pace with the world's expanding industry and no more. They understand that gold is of inconstant, fluctuating, and either superabundant or inadequate supply; and they have no fears as to the marketability of their silver product.

The question before us is therefore not one of favor or advantage to any industry, even though that industry be largely American and of a nature and importance that should command for it every advantage which legislation could confer.

#### RESTORATION OF THE DOUBLE STANDARD A NATIONAL AFFAIR.

The question is one of advantage to the nation, to society, to the world at large. It has to deal not only with the industrial interests of to-day, but of all time. It is the question of the measure which shall be applied not only to the labor of the present time, but to the labor of all time past, the labor of all time to come. It proposes to gauge this labor by the measure which has gauged it forever, by the gauge that can measure it most fairly and equitably; by the only gauge that can truly measure it at all; to wit, the double standard of gold and silver. It is opposed to the impracticable project of measuring it by a new and smaller measure; by an inconstant, a fluctuating, a monopolized measure. This is the nature and magnitude of

the question before us; a question to the elucidation of which the most intellectual men of all nations and in all times have largely devoted their attention; a question which lies down at the very basis of property, of industry, and of progress; a question which not only affects the wealth of nations, the rank of nations, the welfare of nations, but the very conditions of social existence itself.

It is too large, it is too grand a question to be belittled by any such vulgar and familiar approaches as have, I regret to say, been made toward it by one or two gentlemen who have alluded to the subject in the House of Representatives. Fifty centuries of the world's accumulated wealth are before us to be answered in our deliberations upon this question; fifty centuries of mute, but colossal interrogatories; fifty centuries of trial, of suffering, of toil, of conflict, of ever-perishing and ever-renewing human life, every element of which has contributed, one way or another, to mold the ponderous scale of the precious metals in which the work of the world is measured, and which some madmen would raise their vandal hands to destroy.

These men are chiefly the plutocrats of England and Germany. They want the debts which the nations of the earth owe to them, and which were made in Manchester cottons and Birmingham wares, to be paid not in the base currencies in which they were nominally or really engendered—not even in good money, in gold and silver, which is the money of the world, and has been so for all time—but in that particular metal which they have observed is for the time diminishing in supply and daily becoming more difficult and expensive to purchase. To accomplish this object they are ready to revolutionize the currency of the world; to help demonetize and advise others to help demonetize a stock of over \$2,000,000,000 of silver, the precious moiety of the world's standard of values, stored up from the ages, and in its place to set up their own moon-calf of gold, recking not how much suffering the inadequate substitution will occasion.

LET ENGLAND AND GERMANY ADHERE TO THE GOLD STANDARD IF THEY WILL.

The worst punishment which can befall this reckless trifling with the interests of society is that which it itself invites, and which must befall it if the rest of the world refuses to take part in such trifling. By leaving England and Germany to the enjoyment of their self-erected standard of gold, it would result in the end that gold would become cheaper in those countries than elsewhere and prices would rise therein. The co-ordinate use of silver with gold in the rest of the world would tend to drive gold into England and Germany, where it would accumulate and become cheap. Gold would inevitably flow into the countries where it was most in demand, viz, England and Germany, just as now silver flows into Asia. And as silver has accumulated in Asia and enhanced the prices of commodities and services in that portion of the world, so would gold accu-

mulate in England and Germany and enhance the prices of commodities and services there. When this happened, and the plutocrat perceived that his fund or his income of gold would purchase less of other men's labor than before, his punishment will have arrived, and richly will he have deserved it.

What will then be his resource, his only resource from the loss of purchasing power? The same resource to which his narrow selfishness has always instinctively led him: that of endeavoring to change the standard to the dearer metal, which will then be silver. He will then have to purchase his silver from us, as he now asks that we shall purchase his gold from him, and we shall be able to fix as high a price upon silver as he would now fix upon gold.

TO ADHERE TO THE GOLD STANDARD IN THE UNITED STATES IS TO GRATUITOUSLY  
ENHANCE THE MORTGAGES UPON THE NATION.

The true meaning of the sinister advice which we receive from this class is that by adopting the gold standard we should gratuitously and needlessly enhance the value of the mortgages which, in the shape of Government bonds, they hold upon the industries of this country. We are not ashamed of these mortgages. Though they were given for inadequate consideration, yet they were given in a time of peril and uncertainty. We have not the slightest intention to repudiate them. We have already paid upon them in interest vastly more than their entire face, and shall continue to pay this interest promptly and as fast as it comes due. But, while it is neither to our taste (for we are a proud nation and disdain to submit our honor to the scant measure of a doubtful law) nor to our interest to repudiate our obligations, we do not propose to go beyond the limit which our organic laws have set to the standard in which debts shall be paid. We do not propose by resuming specie payments in gold to increase the demand for and purchasing power of gold, and thus enhance the value of the mortgages upon our industry. The law of this country made our standard the bi-metallic one of gold and silver. This is not only the law of the United States; it is the law of nations; the law of ages; the law of the world. We refuse to be led up and down hill, first into one standard and then into the other, at the beck of a shortsighted and selfish class of men, to whom the world owes no debt of gratitude. We refuse to pull up and destroy our ancient moorings. We refuse to part with the ages and with the rest of the world, to which both our present and our future interests unite us; to the rest of Europe, to South America, to Africa, and to Asia. We propose to stand where we have always stood, where the nations stand, where stands the world; we propose to stand on the double standard, the standard of the populations, the standard which the natural fitness and general distribution of the precious metals has indicated to be the only safe one.

GOLD AND SILVER MINING UNPROFITABLE, AND TO INTERRUPT IS TO DESTROY IT.

There is great danger, I might even without exaggeration say, appalling danger, in abandoning the double standard. This arises from the fact that the mining of the precious metals is, on the average, always conducted upon the verge of loss. Therefore the moment you demonetize one metal you temporarily cheapen it, and help to throw it out of production. To stop production is the work of an instant, to re-instate it again is the work of years; and when, as is bound to be the case, the discarded metal is once more in demand, it is the work of long time to obtain sufficient supplies of it again. We know that in the case of the Siberian gold mines over three thousand years elapsed between the time of their abandonment (by the Persians) and re-occupation, (by the Russians;) in the case of the Spanish silver mines fifteen hundred years; in the case of the Mexican silver mines, during the first half of this century, some twenty or thirty years. It matters not what the cause of these several abandonments was; whether it was wars, or the insufficiency of known mechanical resources, or trifling with the standard. It is sufficient if we know that no matter what cause put an end to the production of the metals, the most urgent after demand for the abandoned metal was inadequate for a long period to stimulate its reproduction.

When mines are abandoned water flows into them and fills them up; earth, stones, and other *débris* clog and choke them, and frequently bury them up out of sight and even remembrance; the supporting timbers of galleries rot away, the galleries themselves fall in; and these circumstances often render it practically impossible to re-open the mines. And you cannot find silver and gold mines at pleasure, as you can wheat fields or suitable sites for mills or manufactories. The whole surface of Central America and California and the Sierra Nevadas has been ripped and torn up in the search for the precious metals. The valleys have been explored, the streams turned from their natural courses, the hills washed away with artificial hydraulic power, the mountains honey-combed with shafts and tunnels. Not a district has been left undisturbed. The Pacific coast of America has been ransacked in modern days even more thoroughly than were Northern Africa and the Spanish Peninsula in ancient days; for this ransacking has been done by the hardest among the foremost races of the world.

But in the exploration of natural resources man has no pity for nature or posterity. He exploits the land in the pursuit of agriculture as our Virginian forefathers did the noble valleys of the Atlantic coast in the cultivation of tobacco; as the planters of the cotton States did the table lands of Georgia and Alabama and the bottom lands of Mississippi in the cultivation of cotton; as the western men are now doing the richly-wooded lands of their country, for the sake



of the timber which stands upon them. In a similar way have the Pacific States been exploited for mines.

There are probably but few of even measuredly rich deposits left to discover. The most that we can henceforth do is to exhaust what have been found. There are no more great bonanzas in the Sierra Nevadas; probably there are not elsewhere in the world deposits of ore of such magnitude. I do not mean deposits found; I mean found or unfound.\*

Already many of the less profitable silver mines of the world have ceased to be worked. The slight and temporary fall in silver, occasioned by the partial demonetization of the metal in Europe, its prospective practical demonetization in this country, and the hitherto abundant yield of the bonanza mines, have been sufficient to throw many of the poorer paying silver mines of the world out of production.†

By resuming specie payments in this country upon the basis of the fatally erroneous law of 1873 we would render practical and immediate that demonetization of silver which, as yet, while paper notes form nearly the entire circulating media of the country, is but prospective, and therefore not practical. More than this: the example of so great a country as the United States would be apt to lead other countries into the same erroneous way, and silver would soon become entirely demonetized in the occidental world.

Did gold promise to continue in very abundant supply the ruinous consequences of this error might to some extent be mitigated; though under no circumstances could they be entirely mitigated, owing to the always fluctuating nature of gold supplies. But even this degree of mitigation is not to be expected. Gold is so far from being produced throughout the world in great abundance, that the present annual product is dangerously insufficient, and even this supply is declining. We are invited to abandon a good ship and enter a sinking one; to desert solid ground and stand upon a quagmire; to renounce

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\* It must always be borne in mind that the order of progress in mining is from the poor to the richer mines, just as the venerable and celebrated Henry C. Carey has shown it to be in agriculture. This order of progress in mining results from the fact that men always seek first the most easily accessible sources of production. When the outcroppings of a great mine are discovered it is rare that exploration proceeds farther than a few hundred feet beneath the surface where the ore lies in widespread lenticular masses. Then comes the "barren zone," which is seldom explored at first. The richer but fewer deposits of ore below—the great bonanzas—concentrate in perpendicular veins far apart, and are never reached except at great outlay and expense and as the result of organized and scientific mining. Whoever is fortunate enough to strike one of these bonanzas makes great profit from it, while others sustain loss, and on the whole the product of metal is diminished.

† This fact is not only deducible from the statistics of the world's annual yield of silver given above, but it has come under my own observation that many of the low-grade ore deposits, even of the Comstock lode, have either been abandoned or soon will be abandoned. These low-grade mines, though fully provided with shafts, adits, railways, engines, mills, &c., which were profitably employed while silver bore a higher price in market, are being abandoned, the improvements put upon them are lost, and great numbers of miners have been thrown out of employment.



a system which has stood the test of centuries, and adopt one which has been tried but by a single nation, England, and that only since 1816, or rather from 1824 to 1848, and at the expense of retarding and crushing the prosperity of her industrial classes during the period of such trial.

I have said that the mining of the precious metals is always conducted, on the average, upon the verge of loss. This statement is supported by all writers upon the subject.

The ready marketability of the precious metals, a fact which renders the product of the miner's labor available on the instant, forms a strong inducement to their production, and the competition is so great as to push the production to the verge of loss, perhaps even beyond it. The moment you destroy or impair this marketability of the precious metals, as you do by demonetizing silver, you diminish the production. You could not do the same with wheat or other commodities. Upon these the laws confer no privilege of marketability; they are not legal tender for the payment of debts. Their production therefore never ventures beyond the area of profit—I mean, of course, profit on the average. Present and future demand alone regulate their supply. It is not the same with the precious metals. Their supply has reference to the past as well as the present and future. There is a stock of these metals in the world which has come down to us from the earliest ages of history, and every additional ounce produced affects this stock. There is no similar stock of any other commodities. Even arable lands and stone edifices fail to escape the ravages of time. With metal produced to-day you can discharge obligations for commodities and services sold or rendered years ago. You cannot do the same with wheat or any other commodities. Why? Because the laws make the precious metals legal tenders for the payment of debt. You cannot force a creditor to receive payment in wheat or lands, but you can force him to accept payment in money. Hence the superior marketability of the precious metals—a marketability which is due, in the first place, to their intrinsic qualities of superior homogeneity, divisibility, re-unitability, portability, &c., and in the second place to the law.

If you impair this marketability by demonetizing one of the metals, you reduce it to the same rank as any other commodity, to the rank of commodities which are produced only when such production is profitable. You will not destroy the production of the demonetized metal. Far from it. The precious metals are too valuable for a great variety of industrial purposes. They will still continue to be produced, only the quantity produced will be less; and after the stock of demonetized coin shall be absorbed irretrievably into the arts, the price will be higher. Why? Because the production of the metal will only be continued where it proves profitable. The supply

will become regulated by the present and future demand. Rather than push the production of the metal to the verge of loss, men will prefer to engage in some other occupation. The price will not only rise on account of diminished production, but also, and chiefly, because the producer will demand in it a profit. Now he does not; he cannot. The competition is too keen to admit of profit. The production of the precious metals is, perhaps, even on the whole, a constant source of loss. Still, men will engage in it, not only on account of the occasional fortunate and unexpected prizes which it yields, and which is the same in diamond-washing and pearl-fishing, but also because of the superior, the instant, marketability of the product. This instant marketability is due in part to the law. It enables the gold or silver miner to realize the product of his labor at once. It induces him to make the most of that labor; it leads him to overwork; and eventually it destroys him. The valleys of El Dorado are strewn with the wrecks of human lives, wrecks which lie bleaching in the sun to warn away the newcomer. But they warn in vain; and the production of the precious metals continues in spite of loss, and sickness, and premature death. Conducted at this great sacrifice, conducted thus always upon the verge of loss, and perhaps beyond it, the moment the production of the precious metals, or either of them, is discouraged by demonetization, from that moment it sinks to the rank of all other commodities and demands a profit in its price. Suppose you demonetize silver, and thus limit its production to the extent of the demand for it in the arts; and when the stock of silver coin becomes melted up and absorbed, as it soon would be, you discover, as you will be sure to discover, that you have made a mistake: at what price is it imagined can this silver be repurchased? At 15 for 1 of gold? At 12 for 1, 10 for 1, 8 for 1? I fancy not. Gold was demonetized in Japan, and not more than twenty-five years ago it could be purchased in that country at four times the price of silver. Later on they remonetized gold in that country, and were obliged to purchase it at the rate of 1 for  $15\frac{1}{2}$  of silver.

Had Japan not been a country at that period very backward in civilization, divided into great feudatories, whose tributes and rents were payable in grain, the difficulty of again monetizing the discarded metal would have been insuperable. Even as it was, the measure was accompanied by a violent social revolution and the entire destruction of the existing system of government.

Are you prepared to hazard an experiment of this character? For the sake of pursuing the idle, mischievous theory called monometalism, urged by an interested, selfish, and short-sighted class of men in England and Germany, and indorsed by certain flippant and conceited writers on political economy, are you ready to invoke the tremendous risk of banishing a metal which constitutes one-half of the world's

stock of money, and which, if once banished, can never be recalled without the propitiating sacrifice of all vested interests, of all existing relations of property, of all the institutions of society? The great institution of Japan was the feudal system, and the moment she opened herself to the influence upon prices and relations which was exercised by the precious metal which she had previously forbidden to compose part of her standard, that great institution was shivered to atoms. The great institution of the United States is popular suffrage. Are we prepared, by abandoning the olden way, the double standard, and exposing ourselves to the social revolution which, after abandoning that standard, would inevitably accompany its re-establishment—are we prepared to see *our* great institution shivered to atoms, too?

It cannot be doubted that resumption in specie and limitation to the single gold standard would, in time, produce these alarming results. But we are not a people who would open the door to such consequences. We would endeavor to obviate them. And the only way to obviate them would be to go on with irredeemable paper, with violent aberrations of prices, with bankruptcies, and with the pandemonium of the stock exchange.

#### THE DOUBLE STANDARD WILL HAVE TO BE RESTORED.

There are, perhaps, those who do not perceive any reason which would compel a nation to return to the double standard after having abandoned it. These reasons have already been given, and I regard them as unanswerable. They are:

1. The insufficient stock of gold in the world to effect its exchanges without a great, rapid, and overwhelming fall in prices to one-half of present prices in specie.

2. The insufficient annual supplies of gold; there not being more than enough produced to supply the arts and maintain the stock of coin.

3. The fluctuating nature of gold production, which would give rise to violent aberrations of prices from time to time.

4. The monopolization of the supply of gold, which now is chiefly from countries covered by the British flag.

And many other reasons, which these few will serve, perhaps, to recall.

When the tremendous decline and violent fluctuations in prices which must accompany a single gold standard have worked as much ruin and destruction of existing relations as the nation will bear, the revulsion in favor of again monetizing silver will be too great to resist; yet remonetization may have to be effected in the face of difficulties and dangers quite as great as those from which escape is sought to be made. It would be Charybdis on one side; Scylla on the other; mischief, danger, ruin, on both.

At the bottom of this dangerous effort to abolish the double standard of this country lie nothing but selfishness and injustice—the selfishness of a class who desire to receive payment for debts and obligations in a metal which, for the moment, and at the mean natural relation, is a few per cent. dearer than the other.

SOCIETY CAN ONLY BE RULED WITH EQUITY—THE GOLD STANDARD INEQUITABLE.

Opposed to the consummation of this injustice, not only does all nature array herself, but so also do the unconscious instincts of humanity, the occult working of social institutions. Consummate it if you can, and you will have poverty, distress, commotion, and perhaps revolution. Having consummated it, try then to undo it, and you will find the task beset with great difficulties.

Neglected dislocations of the human frame are difficult to remedy; because the wrenched member finds for itself a new socket. The dislocation of the social fabric which threatens to result from the effects of the act of 1873 may yet be averted by the timely measure of restoring the double standard before we attempt to resume specie payments.

You cannot expect to take a nation by the throat, hold it down, squeeze the last drop of substance out of it, no matter in what sacred name, whether of honor or justice, without running the risk of being taken by the throat yourselves. No matter how cunning the injustice is, it is sure to be found out when it comes to work, and sure to be avenged when it is found out. All the interests of society, even the safety and permanence of vested interests, demand the exercise of equity in the affairs of government; and I tell those who represent such interests that, in the long run, they will best consult their advantage in being just at the outset. They got the people of this country by the throat in the ambiguously worded act of February 25, 1862. They pinned the people down by the coin-paying act of March 18, 1869, and now they would squeeze the last drop of substance out of them by the single gold standard act of February, 1873, which they propose to carry into effect by the resumption act (a very proper act of itself) of 1875. And now my advice to them is, to stop and undo the worst part of their work, by repealing so much of the act of 1873 as prevents the silver dollar from being tendered for the payment of debts. The people have paid their full ransom to Brennus; let him not attempt to overload the scale with the weight of his sword, or they may take it up and use it.

OUR COMMERCE WITH ASIA DEPENDS UPON THE DOUBLE STANDARD.

Turning from these considerations of danger in abolishing the double standard to those of profit and advantage in retaining it, permit me to call your attention to the influence which this subject is destined to exercise upon our commerce.



It has been the interest in all ages of certain classes to deny that commerce is beneficial, and that agriculture and manufactures or mining are alone entitled to political consideration; but such a position is utterly untenable. Production cannot advance beyond the rudest limits without commerce, whose essential function it is to exchange that which is not needed for that which is, or to remove commodities from places where they are not wanted to places where they are. In fact, commerce is inseparably bound up with production; there is no actual dividing line between them. The carriage of seeds to be planted, of textiles to be woven, of ores to be smelted, and the removal of the results to places of deposit or consumption, are all commercial functions. Foreign commerce is in like manner inseparable from production, and forms part of it. The implements, materials, agencies, and even remoter sources of national productive industries, depend upon foreign commerce, and would perish without it. Commerce has exercised a potent influence in propagating and extending religion. In its train have ever followed opulence, national strength, political liberty, letters, arts, and sciences. Its advance has always been marked by a general progress in the condition of men; its retardation by a corresponding retrogradation; and its discouragement or decline by poverty, national dissolution, tyranny, slavery, ignorance, and crime. It has destroyed the barriers of distance, alienage, race, religion, and caste. It has equalized the conditions of life in various parts of the earth, and tended to promote that homogeneity of the human race which the profoundest thinkers have maintained is an indispensable preliminary to its highest development.

Asia Major, with the products of its varied climes and its teeming populations of Tartary, Persia, India, China, and Japan, has in all ages been the objective point of commerce, and the nations who found the best route to it, have in turn all held the scepter of commercial greatness. The Phœnicians opened a route (not the ancient canal of Necho) to Asia by way of Suez; the Hebrews, overland, by way of Palmyra or Tadmor. The Suez route was re-opened by the Greeks, and successively kept open by the Romans and Venetians. The Genoese penetrated to Asia by way of the Euxine; the Portuguese led the way by the Cape of Good Hope; the Hansards opened an overland route by way of Novgorod; Spain sought for a path westward and stumbled upon a new world; England discovered a route by way of Cape Horn, and America has paved with iron rails first one route by way of Panama, and afterward another via San Francisco. France has acquired both glory and profit by re-opening the long-abandoned Suez canal of the Egyptians; England has re-awakened the commercial hopes of her statesmen by purchasing a large interest in this canal; the former prosperity of Italy has been revived through her proximity



to it; and Russia is exciting the jealousy of England by extending her borders and military posts to the northwestern limits of India.

The commercial diadem of the world, the commerce with Asia, lies within easier grasp of the United States than that of any other nation of the Occident. We not only possess the two shortest or best routes to the Orient, those by way of Panama and San Francisco; we are not only in fact the next-door neighbor to Japan and China, stretching as our possessions do within sight of Kamtchatka and holding almost the entire shores of the Northeastern Pacific; we are not only at peace with Asia and regarded by her with more friendliness than any other nation, we possess that commercial object for which Asia is as anxious to seek the Occident as we are the Orient, for tea, spices, and silk. We are at the present moment the largest producers of silver in the world, and silver is the main, almost the only, object of foreign commerce to Asiatics. Even yet, although Europe has for centuries been pouring what silver she could spare into Asia; although all of Atahualpa's treasures and almost all the silver product of Mexico has found its way to Asia Major, the price of agricultural labor in that country is scarcely more than a penny a day, and the taxes levied by its monarchs are paid in rice. These facts prove the necessity and demand for silver in Asia and the comparative scarcity of it even at the present day.

I have already stated that it is estimated that Asia possessed a stock of coin, almost entirely silver, amounting at the beginning of the present century to about \$700,000,000; in 1829 to about \$800,000,000; in 1848 to about \$900,000,000; and in 1872 to about \$2,100,000,000. With a population stationary, and of, say, 700,000,000, this amounted to \$1 *per capita* at the beginning of the century and \$3 *per capita* at the present time. Merely to keep this stock of coin preserved from the effects of abrasion and loss, Asia requires some \$30,000,000 in silver every year. To increase it, she requires more.

Suppose we persist in demonetizing our silver, suppose we lessen the demand for its use in the Occident, and help to throw upon the markets of the world a stock of silver which we must replace with a stock of gold, is it not patent to the humblest understanding that we would lower its value and be obliged to sell it to Asia, who, having then no competitor for its possession, would be likely to obtain it at a very low price in her commodities? Is it not plain that under such circumstances and for a long series of years to come, our annual product of silver would follow the way of our rejected stock, and fall into the hands of the Orient at a degraded price? Should we not have to pay more, much more, than now, for the teas, spices, silk, rice, textiles, and other raw materials which we obtain from that quarter of the world? And were we obliged eventually, as I believe we should be, to buy back this thoughtlessly demonetized and abandoned stock of

silver, should we not have to purchase it at a very high price, seeing that meanwhile all prices in Asia would have become greatly enhanced?

Hence, if we let slip the present favorable opportunity to purchase silver for the purposes of resumption, we may find it very difficult to do so in future. When occidental silver once gets to the Orient it rarely returns, and it never will return in any considerable quantity until the scale of prices in the two great divisions of the globe become more nearly equalized than they are at present. This may be centuries hence.

Nature has furnished us with such advantages for seeking the commerce of Asia—advantages of route, of amicable relations, of an ample supply of silver—that if we do not senselessly throw them away, we are almost certain to monopolize the Asiatic trade and the vast profits that accrue from its pursuit. Asia stands in urgent need of silver; that silver we possess, and she must now come to us for it and purchase it from us; and as we can afford to sell it to her cheaper than Europe can, by the difference of carriage, insurance, interest, commissions, &c., we are almost certain to secure the monopoly of her trade, and with it a market not only for our silver, but also for our coal and iron, our wheat and Indian corn, our manufactures, our literary and our art products. And, moreover, we shall inevitably become what England is now, the occidental world's emporium for Japanese, Chinese, and East India products. Instead of being obliged to go to Europe for these products as now, Europe will be obliged to come to us for them.

Was it mere forgetfulness or a perversion of correct views which induced some of our public men to entertain even for an instant the notion of abolishing the double standard and degrading our silver product, or was it the sinister advice of nations whose far-seeing commercial policies detected the advantages which we possessed over them in the future rivalry for the rich trade of the Orient?

Already has the partial demonetization of silver in Europe had the effect of helping to triple the stock of silver which Asia possessed at the opening of this century, and yet so small is the stock of coin among Asiatic nations that, if silver is not entirely demonetized in the Occident, there is not the slightest chance that the surplus silver of the world for centuries to come will suffice for the wants of Asia. Even with a partial demonetization of silver in the Occident, Asia will be able to absorb such portion of the surplus current supplies of the world as can be spared, as well as a large portion of the stock, without being saturated with silver.

SILVER CANNOT BECOME CHEAPER THAN IT IS AT PRESENT.

To those who indulge the insane fear that the late rise of gold or decline of silver caused by the European demonetization, will continue,

it is only necessary to say that the thing is impossible. This decline cannot continue after the discarded stock of silver is worked off, and when the cost of its production again becomes the principal factor of its price. And should this country wisely conclude at this favorable juncture of affairs to remonetize silver, the time necessary for it to advance to its former relation with gold would be comparatively short.

Specie is too scarce in China and India, prices are too low, and the mere maintenance of their present stock of coin demands a supply of many millions a year. I have seen the Humboldt, Truckee, and other rivers which flow between the eastern slope of the Sierra Nevadas and the western walls of the Wahsatch, and which, near their sources in the mountains flow in great volume, sink all at once into the sands of the desert and disappear from view forever. An attempt to saturate Asia with silver would, to my mind, be as successful as one to saturate the Great American Desert with the waters of these rivers.

But let us suppose, for the sake of argument, that Asia cannot take the surplus of silver of the Occidental world and demands gold instead for the balance of her foreign trade. Would this not make gold so scarce as to force us of the Occident to keep our own stock of silver which we now would banish? And if it would force us to keep it then, why should we not keep it now? Why change and disturb prices only to come to the same result at last? Why place ourselves in a dilemma, either horn of which is dangerous? Why attempt to banish silver to Asia or force her to send it back to us, which she would do in case the above supposition is well founded; a supposition not borne out either by philosophy or fact.

Banish silver from the western world, and you will help to banish progress with it; you will unwittingly and powerfully assist the growth and development of China and India at the expense of our own progress, and precipitate a monetary revolution, whose overwhelming and widespread effects no man can fully estimate or foresee.

#### THE MEXICAN AND CENTRAL AND SOUTH AMERICAN TRADES.

Similar considerations, scarcely less important, demand that our double standard shall be restored in respect of our commercial and other relations with Mexico and Central and South America. All these countries except Brazil and Chili have either the single silver standard or the double standard of gold and silver. Omitting Brazil and Chili, these countries contain an aggregate population of more than 25,000,000 souls. This vast population is at the present time entering upon an unprecedented era of activity and progress. Their trade with the manufacturing states of the world belongs naturally and by reason of proximity to the United States. Shall we run the risk of losing it by unnecessarily depressing the quotations of South American products in our market, as we should do if we limited ourselves to a single gold standard? Shall we offer to them for their pro-

ductions a stinted measure of the metal which they do not want, instead of a fair measure of the metal which they do want? Shall we force them to manufacture for themselves, rather than purchase the fabrics they need from us in exchange for their valuable raw materials?

THE CRESCENDO AND DIMINUENDO THEORY OF THE ACTION OF MONEY.

I now come to those considerations in reference to this subject which have ever commanded the most serious attention of statesmen and publicists. I allude to the effects of increasing or diminishing money upon the social, moral, and religious welfare of peoples.

I have already shown how profoundly the diminution of coin in the occidental world, from the period of the Roman empire to that of the discovery or re-introduction of bills of exchange, affected the welfare of Europe. But as, perhaps, it may be disputed that the Dark Ages, and the awful social wretchedness which characterized them, are attributable wholly, or even in great part, to the diminution of money which occurred during that period, I have deemed it best to bring into view more recent and familiar eras of similar character, eras which pertain, not like the Dark Ages, to a remote period and an entire continent, but to later times and particular countries, wherein the relation of the mutations of the currency to the welfare of the people is so close as to admit of little doubt concerning the influence and action of one upon the other.

I have already stated that, from the nature and functions of money, it made no difference to the welfare or convenience of society whether the total sum of money was large or small, provided that it was neither so large nor so small that the substance of which it was made, the precious metals, could practically be coined into pieces of convenient size for transportation or handling and for the transactions of the ordinary business of life.

While this is quite true, it nevertheless does make a most important difference whether the sum of money be increasing or diminishing. This difference, and the social phenomena connected with it, has been very fitly termed by the author of the essay on currency in the original edition of Johnson's Cyclopaedia, the *crescendo* and *diminuendo* theory, a phrase derived from the terminology of music, an art whose terms are essentially expressive of movement in time.

SOCIAL EFFECTS OF INCREASING AND DIMINISHING MONEY.

*Crescendo* or increasing, and *diminuendo* or diminishing, are terms which have been deemed convenient for the expression of the movement of the stock of money in time. While this stock is increasing, prices rise; exchange or commerce is stimulated; new enterprises are set afoot; the products of agriculture, manufactures, and mining are increased; the commercial and industrial classes find abundant employment and earn remunerative profits and wages; bankruptcies and



suicides rarely happen; marriages are promoted; the newly born survive in greater numbers; population increases in quicker ratio; letters, the fine arts, and the sciences make most rapid strides; education, intelligence, morality, and the observance of religion are promoted; and the general happiness of mankind becomes greatly enhanced.

What is the cause of all this industrial activity and social progress? What action or influence of the increasing stock of money lies at the bottom of it? Simply this: that an increasing stock of money tends to distribute wealth, and it is the distribution of wealth which effects these wonderful results. "O! it is agrarianism or communism that you propose. You would go on increasing artificially and by legislation (for it is only artificially that it can be done) the sum of the currency forever, in order that wealth may be continually distributed, industrial activity stimulated, and social progress promoted."

I propose nothing of the sort. I have depicted the consequences of an increasing stock of money, not in order to advocate an artificially increasing currency, but as preliminary to depicting the consequences of an artificially diminishing currency, and with the view of warning the country against submitting to any such diminution. I do not propose to rob the capitalist; but neither do I propose to permit the capitalist to rob society.

While the stock of money is diminishing prices fall; commerce is depressed; enterprises are abandoned or neglected; industry is paralyzed; its products are diminished; its supporters defeated in their just expectations or thrown out of employment; bankruptcies and forced sales are increased; marriages are discouraged; suicides become common; the newly born perish; the increase of population is retarded; the cultivation of letters is abandoned; the arts and sciences fall into decay; education, intelligence, morality, and religion are neglected; crime increases; and general misery prevails.

What is the connection between the stock of money and these appalling social phenomena? Simply this: that a diminishing stock of money tends to concentrate wealth, and the concentration of wealth is a cause sufficient to promote all of these evils. "Would you, then, legislate with the view of preventing the stock of money from being decreased? Would you repeat those measures of medieval coercion which distinguished the reign of Henry V, who forbade gold or silver to be used in the arts in order to prevent the stock of money from being diminished?"

I would do nothing of the sort. I propose neither to increase the currency by artificial means nor to diminish it by coercion. I propose to follow and advocate that policy which little minds never perceive the advantage of pursuing, but which the great men of the world have recognized to be the only safe one in commercial affairs. I propose to let things alone. *Laissez faire* in money is as important to the well-being of the world as *laissez faire* in corn.



Is it not time, Mr. President, that we republicans, we the exemplars of civil freedom to the world, should abandon and renounce this mischievous policy of meddling with the affairs of commerce; this policy which has been handed down to us by the tyrants and marplots of the world—the men with bloody hands and the men with ruthless purposes? Is it not time that we practiced freedom as well as preached it?

For five thousand years has the world been amassing a stock of gold and silver money wherewith to conduct its commerce, and yet in one instant and by a single blow, would our irreverent and mischievous hands annihilate one-half of this stock. The act of 1873 essentially impaired the character of silver as money in this country—a character which it did not owe to legislation, but to fitness and immemorial usage. Could the act have affected other countries as it did this one alone, it would have demonetized silver throughout the world.

What is the principal effect of demonetizing silver? It reduces the entire stock of money by one-half. This effect may be mitigated by permitting a small sum of debased silver coins, as tokens, to pass current for petty payments in each country, but even then its chief harm remains. The money of the world commences to diminish, prices fall, wealth becomes centralized and concentrated in a few hands, property is sacrificed to pay debts incurred before the diminution, bankruptcies ensue, industry is petrified, want and wretchedness stare the commercial classes in the face, and to escape from these disasters they take refuge in dishonesty and immorality, and in the end wind up with crime and destruction.

The evidence of these deplorable consequences of arbitrarily diminishing the stock of money is to be found in the social statistics of all countries. It is only for the sake of brevity that I content myself with adducing a portion of those only of this country. And here let me remark to the possible objection that the statistics of the currency of the United States include paper promises, that the principle is the same, whether the currency is of money alone or money and paper combined. So long as the promises are deemed to be good enough to pass current as money their effect upon prices is precisely the same. It does not follow from this, as some theorists erroneously maintain, that paper promises would pass current as money without a money basis. On the contrary, repeated experience proves that they will not. Nor does it follow that, because a diminishing stock of money or mixed currency produces the evils alluded to that these evils can be avoided by recourse to a forced currency of paper. They can only be avoided by letting the currency alone, and the sooner we learn and appreciate the importance of this great truth the better will it be for our country and the world at large.

[For the tables alluded to in the text, see Appendix.]

THE WORLD'S STOCK OF THE PRECIOUS METALS THE GREAT CONSERVATOR OF ITS CIVILIZATION.

It will perhaps be remarked that no statistical evidence has been offered to support the assertion made with regard to the effect of the movement of the currency upon letters, the arts, &c. The reason for this is that, while statistics have made such progress that they now fully cover certain features of civilization, and concerning these features afford most thorough and convincing testimony, they do not yet fully cover certain other features, such as those omitted from the illustrations adduced. Within the boundaries to which thus far its conquests have been confined the use of statistics is of the highest importance to the student, the publicist, and the legislator. Beyond that, such use is almost valueless, and want of discrimination as to where to stop in the employment of statistical evidence can have but the single result of bringing statistics into undeserved disrepute.

We know *a priori* that the gradual diffusion of wealth means also the gradual diffusion of the work of life, wherein no feudal tyrant or merciless plutocrat can lord it over the masses of a community bound to exacting toil or helpless slavery. It is only during this tendency (mark, I say tendency) toward a distribution of rewards according to effort that letters and the arts can flourish. At all other periods, if they make any progress at all, it is confined to a few favored persons, and soon perishes; for the acquisition of letters must be the result of leisure and exemption from toil, and the community that is bound to continual labor can never hope to enjoy the fruits of this divine art.

Therefore such an increment of the stock of money as would work out a gradual diffusion of wealth, and with it the more equitable distribution of work and leisure than would result from a stock of money which was decreasing or stationary while population advanced, could not fail, and it has never yet failed, to promote the progress of letters, the arts and sciences, morality and religion. Nor could any greater increment occur than one which would be sufficient to induce a gradual diffusion of wealth; that is, so long as the world retained its present vast stock of the precious metals. Estimating this stock at \$5,700,000,000, it requires \$35,500,000 a year to keep it from waste by abrasion and loss, and the annual supply of the precious metals or so much of them as is available for coin has rarely been so much in excess of this sum as to be sufficient to produce more than a very inconsiderable and gradual diffusion of wealth. If the increase by population be considered, the process would be extremely slow.

Viewed from this point, it will be seen that the world's stock of the precious metals has really been the great conservator of civilization. It is this stock and its slow increment since the sixteenth century which has kept prices, on the whole, steady and slowly rising;

just as it was the decrement of this stock which threatened the extinction of civilization during the Middle Ages. It was the little of it that survived throughout that memorable era which prevented the total subversion of society, and with it letters and the arts, in a word, civilization, and it was in the country that preserved the greatest stock of it during that period that civilization held aloft its highest torch.\*

#### THE RESERVOIR OF THE PRECIOUS METALS.

Lest this phrase, "the great conservator of civilization," sounds too grand, let it be supposed that at the present time no reservoir of the precious metals existed, or that the entire stock of money was destroyed in an instant. Setting aside the incalculably calamitous consequences of such a catastrophe, is it not plain that the annual supply of the metals, now amounting to about one hundred millions, would assume a new importance in the distribution of wealth and each individual's share of production? Assuming that the precious metals would continue to be used for money, because no other materials would answer the purpose so well, would not these supplies as fast as they came forward affect the prices of commodities and services so enormously and suddenly as virtually to place society at the mercy of the few persons who might be able to control or anticipate such supplies?

In the immensity of the world's stock of the precious metals, which forms a measure of value of such vast proportions that no vicissitudes of production can sensibly affect it, society therefore possesses a guarantee for the conservation of all those institutions upon which civilization depends; upon diffusion of wealth, adequate reward for effort, due proportion of production, liberty, leisure, letters, the arts, morality, and religion. And yet it is one-half of this precious stock that madmen would now destroy or degrade to the level of gewgaws and bangles.

In the face of the significant facts which we have found to correspond with the movement of the currency, whether in the same is counted only the real money in circulation, or the real money combined with the credits based upon it, (if due allowance be made for their differing ratios of activity,) I ask you, are you prepared to confirm and ratify the thoughtless act of 1873, which demonetized silver as a legal tender in the United States, or will you restore that metal to its rightful position in the money of the country?

Have the industrial, the commercial, the active, the progressive, the working classes of the country no rights that legislation is bound

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\* Professor John W. Draper, in his recent work entitled *The Conflict between Science and Religion*, states that Almansor, the Moorish King of Granada, then the foremost country of Europe in civilization, population, and wealth, left at his death a treasure of gold and silver amounting in value to \$150,000,000. How much of this sum consisted of coin is not stated.

to respect? What authority has this Chamber to shorten or curtail the standard by which their labor is to be measured? What justice, what wisdom, what safety is there in assisting to destroy the efficiency of one-half of the world's stock of specie, one-half of that measure of value which has come down to us sanctified by fifty centuries of toil, of usage, of experiment, of universal approval? Can you look on with unconcern and permit the entire relations of society to be disturbed in the fancied interests of that small class of persons who in every country are wealthy enough to monopolize the possession of its measure of value—which, at best, is limited, and barely sufficient to keep pace with the increase of population and commerce?

Such is the pressing scarcity of money, both of gold and silver, throughout the world, that every conceivable form of substitute for it, both safe and unsafe, is in use to eke it out. Every country of the world is using credit in some form as a temporary substitute for money; yet you would arbitrarily demonetize one-half the stock of money, under the erroneous impression, either that one metal is a measure of value less fluctuating than two, or the equally erroneous one that the option of two metals to pay with is derogatory to the rights of creditors which accrued while that option was open.\*

CONSTITUTIONAL AND LEGAL ASPECTS OF THE CASE.

I shall now endeavor to show that under our Constitution both the precious metals are made legal tender for the payment of debts.

I hold—

First. That the word "money," as used in article 1, section 8, of the "Constitution of the United States," means both the precious metals, silver and gold, and, by reason of the context, cannot mean either paper promises or one of the metals only.

Second. That the power to "regulate the value thereof" was necessary in order to render this meaning effective, and that, had "money" meant one metal instead of two the power to regulate value would have been supererogatory, abortive, and absurd.

Third. That no other construction of the phrase "to regulate the value thereof" is admissible, because even in theory law cannot reg-

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\* The main argument used in favor of the gold valuation is this: "If a creditor, having stipulated for a fixed payment, may be paid by the debtor in either gold or silver, the latter chooses the material which comes cheapest to him, and the creditor suffers an injustice." Without inquiring whether the creditor on entering upon the contract also exercised his option in furnishing the debtor with either material, and therefore cannot claim another treatment—without inquiring whether, as he can also part with the material received on the same terms, and must do so, I can show you that the dogma is one untrue, both in practice and in theory. \* \* \* The large business of exchanging contracts, as well as all such dealings in capital and commodities, in which the "creditor" stands in the position assumed above, is carried on by accounts, checks, and clearing systems without the use of any currency, and so the great system depends upon the exchange of equivalents of value alone. \* \* \* There can be no question of any difference or disproportionate "cheapness" between them, (the metals.) The debtor, in order to obtain either gold or silver coin, must render up the same equivalent for either. (Ernest Seyd, Journal of the Royal Society of Arts, March 10, 1876, p. 320.)



ulate values, unless the things whose values are to be regulated are specified, and practically, unless also the law-power or Government possesses control of the supply or demand of the things to be valued. As all things cannot be specified, and as Government only has control of the supply of gold and silver coins, it follows that the value of these commodities, one to the other, is all that can be "regulated" under the Constitution, and that this regulation constitutes both silver and gold as money and legal tender.

I. Article 1, section 8, of the Constitution for the United States provides that—

The Congress shall have power \* \* \* to coin money, regulate the value thereof, and of foreign coin, and fix the standards of weights and measures.

What is money? Gold and silver coined. This was the only meaning attached to "money" when the Constitution was framed, and it is the only proper meaning. In late days the word money has been used to mean any circulating media, whether gold or silver coined, or promises to pay. That such is not the meaning of the term as employed in the Constitution is evident from the phrase "to coin," which prefixes the word "money." Promises to pay cannot be coined, nor were any other metals than gold and silver used as money in this country or any other at the period of the Constitution: therefore, money, as mentioned in that instrument, meant gold and silver coined, and could not have meant anything else.

Nor could it have meant either one of these metals separately, because of the affix, "and regulate the value thereof."

What is value? The relation between two services or commodities exchanged, or, to be more precise, the quantitative relation in services or commodities between two services or commodities exchanged. I have already explained the meaning of this term. (See page 14, *ante*.) It must not be compared with worth, utility, or desirability, which are intrinsic qualities or characteristics without quantity; whilst value is an extrinsic and a quantitative characteristic which is only determinable in exchange. Worth, utility, and desirability may reside in an object without reference to exchange. Value without exchange is impossible. Law cannot regulate the worth, utility, or desirability of a commodity. Why? Because these are intrinsic and incommensurable characteristics, and are therefore not susceptible of regulation. Law can regulate value, because value is an extrinsic characteristic, determinable by exchange. But law cannot regulate the value of a commodity generally, and as to all things, unless it specifies separately the quantity of all things which shall be interchangeable. This is not only palpably impracticable, but, even were it practicable, is clearly inadmissible as a construction of the constitutional phraseology. An attempt to regulate the value of money as to all things would produce the utmost injustice and confusion in industrial affairs,



and entirely subvert the Constitution and the objects for which it was established. The power to regulate the value of money was therefore confined to gold and silver only. It could not have been with reference to other things.

II. Even with reference to gold and silver, the power to regulate the value of money would have been supererogatory unless money meant both gold and silver, and value the relation between them; for value in respect to an isolated thing is inconceivable and impossible, value being a relation and not an intrinsic quality. If "money," according to the Constitution, meant both gold and silver, the power to regulate the value thereof was a necessary incident to that of coinage, and this view affords the only explanation of the employment of the phrase "to regulate the value thereof" in the Constitution. Otherwise the phrase was powerless, meaningless, and absurd. To coin money and regulate the value thereof are, therefore, inseparable powers, and although Congress is not required to exercise them, but is merely permitted to do so, yet, if exercised, they can only be exercised together, and the exercise of one power without the other is unconstitutional. Therefore, so long as any coins of the United States are in existence the suppression of the silver dollar by the act of 1873 is void.\*

III. Practically, the Government has control of only two commodities among all those known to the world: these two are gold and silver coins. The Constitution gives to the Government exclusively the power to coin money, and this power gives it practical control over the supply of gold and silver coins. It may be held, indeed, that the same power gives it also control over any substances which it may choose to employ as money; for example, copper, tobacco, musketballs, wampum-peag, paper promises, &c. But the impracticability of regulating the value of substances of such heterogeneous composition and limitless supply merely serves to show the absurdity of attempting to extend the meaning of the phrase "money" beyond that which was clearly attached to it at the time of the Constitution, namely, gold and silver coins. These various substances, and many others, had all been employed in this country as substitutes for money, or as tokens, previous to the Constitution, and some of them were in

wide use at the time of that instrument. But it is quite clear that none of them were referred to in the phrase "money," and that gold and silver alone were meant.

Having control of the two commodities, gold and silver coins, and of these two only, it was not and is not practicable for the Govern-

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\* The word dollar was first defined in the coinage act of April, 1792. Therefore, the powers of coining and regulating value were first exercised together. There was no regulation of value before coining; therefore no regulation of the value of the foreign coins which circulated in the United States previous to 1792.

ment of the United States to regulate the value as between any other commodities than gold and silver coins.\*

Having made this regulation, Congress went as far as it had power to go. In the regulation that "the proportional value of gold to silver in all coins which shall by law be current as money within the United States shall be as 15 to 1, according to quantity in weight of pure gold or pure silver," (act of April 2, 1792, section 11,) Congress exercised all the kind of power which was conferred upon it by the Constitution regarding the regulation of values.

#### VIEWS OF THE LAST GENERATION ON THE CONSTITUTIONAL QUESTION.

The view herein taken is that which has hitherto been taken by all who have carefully considered this subject. In a report to this Chamber by one of its members, Mr. Sanford, the chairman of a "select committee to consider the state of the currency," appointed by the Twenty-first Congress, (see Executive Document, second session Twenty-first Congress, December 15, 1830,) he held the following language :

The Constitution of the United States evidently contemplates in the power conferred upon this Government to coin money, regulate the value thereof, and of foreign coins, and the restriction imposed on the States to make nothing but gold and silver coins a tender in payment of debts, that the money of this country shall be gold and silver. Our system of money established in the year 1792 fully adopts the principle that it is expedient to coin and use both metals as money, and such has always been the opinion of the people of the United States.

At this period (1830) there was not a dollar of gold in the country. England nearly depleted us of what little we had, previous to 1817, in order to prepare for the resumption of specie payments, which had been suspended in England since 1797, and which resumption the ruling classes of England had unwisely or selfishly planned upon the basis of a single metal. This depletion went on from 1817 until after 1820, perhaps until 1821 or 1822. Then it stopped, so far as we were concerned, from sheer exhaustion on our part. We had no more gold to sell. At that period we had nearly \$70,000,000 of bank paper afloat. What condition this country would have been left in had our statesmen been as indifferent then as they appear to have been in 1873, in regard to the constitutional requirement to make both gold and silver legal-tender money, I leave to the imagination. Our population was then 10,000,000. We had but lately emerged from a war with England, at the close of which gold had stood, in our excessive paper issues, at 117, and an attempt to resume in 1817 was met by a revulsion in 1819 and a secondary revulsion in 1821.

Imagine 10,000,000 of people, exhausted by war and the sores of a double revulsion, depleted of every dollar of gold, and divested of the power to resume in silver or use that metal in the payment of

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\*Not even between gold and silver bullion.

debts. Do you suppose, if the statesmen of 1822 had been as forgetful of the interests of their country and as oblivious of constitutional law as seem to have been those of 1873, that any respect would have been paid to their legislation, and that if it had been respected, the country could have been saved from revulsion and repudiation? I fancy not.

And this episode of our history conveys more than one warning, more than the warning that monometalism, if persisted in, may bring the country to great social and political disturbances. Some people are so filled with the sense of security that a warning of repudiation seems to them a mere bugaboo. Simple failure in an attempt to resume specie payments is to them an event of far greater likelihood, if not of importance. Very well, then; the episode before us contains the warning of such a failure, of two such failures. We tried to resume in 1817; we tried again in 1821; and on both occasions distress followed. What was the cause? Lack of specie. We tried to redeem sixty or seventy millions of paper with twenty or twenty-five millions of coin. What was the cause of the lack of specie? England had drained us of our gold, which she virtually overvalued in order to prepare for her own resumption.

But for silver, the use of which as legal tender had been preserved for us by the Constitution, we should not have resumed at all, at least not for forty years after, when California opened. The case is similar now. England again has drained us of our gold. We have \$800,000,000 of paper afloat and less than \$50,000,000 of specie wherewith to redeem it. Yet Congress orders resumption to take place, and forbids the employment of silver wherewith to resume. Is it not plain that resumption is quite impracticable; that a sum of gold sufficient for the purpose cannot be purchased throughout the world at any prices for bonds or exports at which we would be willing to sell, and that any attempt to resume, unless the constitutional requirements as to the monetization of silver are obeyed, will plunge the country into all the disasters of monetary revulsion?

#### VESTED INTERESTS UNDER THE CONSTITUTION.

Ever since Mr. Webster's time it has been an oft-quoted doctrine that under the Constitution the destruction or impairment of a vested interest by act of Government is in the nature of a breach of contract. Without giving adhesion to this doctrine it ought to be remarked that, as a rule of law it appears to work too many ways to be practicable, because legislation is *impossible* without disturbance of social relations, and therefore of existing interests. However this may be, the rule has been held to apply with peculiar force, though I know not why, to the vested interests of the public creditor, and prejudice has been arrayed against the return to the double standard because it is

held that payments in silver might affect the interests of the public creditor. To this I have already adverted and I do not propose to raise that question now. But while on the subject of vested interests and breach of contract there is something more to be said. That something relates to the mining interests of this country; interests which, I think it will be admitted, are quite as important to the welfare of the country as those of the public creditor.

The mining interests of this country came into existence under clauses of the Constitution which it was well understood made both gold and silver money legal tender for the payment of debts. During the first three-quarters of the period of our national existence silver chiefly and for the most time only was employed as money; during the last quarter of the period gold was chiefly so employed. But not until 1873 (and that merely by implication) was either metal demonetized. It was therefore while both metals were money that the entire gold and silver mining interests of this country were created and built up, at first upon alluvial findings and washings, and afterward with the profit from those upon the more difficult and expensive ores in veins and lodes. These interests, once so few, now so numerous that they yearly throw into the lap of the country \$100,000,000 of the precious metals—more than one-half of the product of the entire world, and sufficient if rightly managed to render our country the clearing-house of the world—were literally built up with the naked fingers, with the rude pick and cradle. This single foundation was that clause of the Constitution which makes the precious metals money, but for which they would have had no existence, and upon the continued and faithful observance of which they depend even to-day for maintenance, because, though of gigantic dimensions in the aggregate, their average profit is so small that it vanishes with the slightest disturbance in the value of the precious metals. Yet there are those who hold in respect of these permanent, important, and well-deserving interests vested in mining that the interests of a pack of clamorous money-lenders in London, Berlin, and Frankfort are of vastly more account than theirs. The recent project of a Boston correspondent to pay the interest on the public debt in silver dollars they sneered at as “a nice down-east joke,” and bullied about the rights of vested interests under the Constitution.

The Constitution! Sir, when I come to pronounce that word I do so with a respect that is akin to reverence; for under the shadow of that instrument, so wisely and so wondrously drawn as to have lasted a century of the world's busiest times, there has grown up from thirteen feeble and jealous colonies, containing 3,000,000 people of varied origin and conflicting interests, a nation of thirty-eight proud States, containing 45,000,000 people, free, homogeneous, prosperous, strong, and progressive. When and where else in the world's history



has such a growth been seen? The constitution of the Roman republic, though nominally it lasted longer, really did not last so long, for it was frequently and essentially altered and modified. It had to deal with a far lesser number of states, interests, or people, and the progress under it was nothing as compared with our progress. Take the most important of modern states, England, France, or Germany. In which of them will you find the same freedom, the same equality, the same ingenuity and adaptability, the same energy, the same elasticity, the same rapidity of growth, either in numbers or wealth? Since the date of our Constitution England has scarcely tripled her population. France has not yet doubled hers, while ours has increased fifteen times. Our national life has not been without its vicissitudes, but who can deny that it has been grand, noble, and progressive, and that it is due, all of it, to that sacred instrument which we rightly term the Constitution for the United States?

In pronouncing the name of this instrument I do so with the respect due to the mighty agency which it has had in building up a great nation and promoting the progress of man in all countries.

In this remembrance I should almost regard it as sacrilege to invoke its support of a false doctrine, to twist it, distort it, or seek to turn it aside from its plain meaning. And I regard it as sacrilege when I see it used as a cover to protect the sharp-toothed greed of plutocracy.

That gold and silver are both the money of the Constitution is so obviously the meaning of that instrument that the question, so far as I am aware, was never fully raised until lately and after the passage of the act of 1873. That the Constitution either directly or by the remotest implication throws any mantle of protection over the public creditor, which does not at the same time as amply cover the third greatest industrial interest of the whole country—this I deny.

Between an interest which has become "vested" by dint of hasty and ill-considered legislation, and one which has become "vested" through bold adventure, the peril of life, the miasma of death-inclosing valleys, the snows of lofty mountains, the arid and burning plains, through incessant labor, and far away from "home" and familiar faces, between these classes of vested interests there is a wide difference. One of these classes demands the maintenance of the act of 1873, because it fears that the overthrow of that act may have some possible bearing upon the advantages which it has secured; the other asks for its immediate abolition because it is unconstitutional, it is unwise, it is sapping the foundation of an industry of vital importance to the country. Let the Senate decide between them, and choose whether it will intrust the welfare of the nation rather to the money-dealers of Lombard street and the Continent than to the hardy



mountaineers of the Sierra Nevadas, whose occupations are environed with danger and whose unceasing watch-word is Liberty!

WHAT THE HAND OF THE DESTROYER HATH SPARED.

Some of the greatest nations of the earth have been destroyed, and it has been asserted that nothing remains to attest their existence except the languages they employed. Such is the case with the ancient Arabians, the Phœnicians, and the Carthagenians, who were all of the same race. Such, also, was the case with the ancient Malays, Egyptians, and Toltecs. Of the Lake Dwellers of Switzerland or the Mound Builders of America, it is said that not even language remains. And yet all of these nations and many other prehistoric ones, as the Pelasgians, the Etruscans, &c., have left a legacy to mankind. That legacy is the precious metals which they employed for money. Much of it must still be in existence in some form or other of usefulness. The hand of the destroyer, Time, hath spared this, even while he hath not spared language. And yet there are impious men to-day who, for the sake of a temporary personal advantage, would strike down this last and precious vestige of nations who fought and labored scores of centuries ago that we might now live in peace and plenty.

WORSE THAN DESTROYING THE MINES.

The demonetization of silver would not merely have the same result as the stoppage of all the silver mines of the world; the result would be far worse; it would be as though one-half of all the labor of past ages, except what doubtful legacy has remained in the shape of land improvements, were blotted out of existence. This would be worse than destroying the mines, for they might be re-opened, whereas the demonetized metal would be irretrievably lost in the arts and otherwise.

"LET THINGS STAND AS THEY ARE."

"Let things stand as they are" is the false and treacherous maxim of those who have wrongfully obtained an advantage over others. *Laissez faire* does not mean "let things stand as they are," but "let alone" altogether. The existing state of affairs may be the result of a good deal of meddlesomeness. To let them remain as they are would be to let ruin work its own way. The single standard foisted upon this nation by the act of 1873 was a mischievous interference with trade, and things cannot be let alone until this act is repealed. The suppression of the double standard cannot be compared with the usury laws. It is ten thousand times, nay, infinitely worse; for in the rate of interest for money there is competition between money-lenders, whereas concerning the kind of metal in which they will demand to be paid there will be no competition whatever. Herein the interests of all money-lenders are identical. The only way to meet their rapacity is by restoring the double standard, to give the debtor the same option in paying that the creditor had in lending.

Hitherto, in alluding to the antiquity of gold and silver money, I have sometimes used the expression thirty or fifty centuries, the former referring to the oldest coins now extant, the latter to the earliest period for which we have indisputable evidence concerning the use of these metals for money. But if there is any credence to be reposed in the numerous authorities quoted in Baldwin's Prehistoric Nations, both gold and silver were employed as money by the ancient Arabians or Cushites from sixty to a hundred centuries ago. The precise antiquity of money is, however, of little consequence in this connection. It is sufficient if we know that it is of very great antiquity, and of this there is no doubt whatever.

During all this time every conceivable sort of experiment was made with money. It was tried in ingots, in "dust," in wire coils, and in coins; round, square, oblong, punctured, buttoned, milled, and unmilled coins; coins with and without alloy; pure coins, composite coins, base coins, plated coins, coins of brass, tin, iron, nickel, and platinum.

The history of platinum coins exemplifies the results of all these experiments. These coins were adopted in Russia in 1826, during the notable decline in the product of the precious metals, which occurred from 1810 to 1840, and before the Ural and Siberian mines were opened. No substance was intrinsically more suitable to answer the purposes of money than platinum. It was only inferior to the precious metals in one respect, but that respect proved fatal to its continuance. There was no great stock of platinum in the world to modify the vicissitudes of its current production as there is of the precious metals; no reservoir of antiquity, no heirloom of the centuries. Consequently, every time the annual production of platinum greatly increased, prices in platinum coins were suddenly and violently advanced, and every time the production of platinum fell off, prices fell. These violent aberrations proved fatal to the continued use of this metal for coins, and it was discontinued. The same thing had previously occurred with coins of brass, iron, tin, &c., and if our nickel coins were anything more than tokens, mere promises to pay stamped on base metal, the same thing would happen with them.

Substitutes for money form another class of experiments which have ended disastrously in bank panics, in commercial crises, in stay laws, and in repudiation. The trouble is the same with bank credits as with coins of any other substances than the precious metals. There is no stock on hand to modify the influence of great supplies.

The adoption of the single gold standard is another experiment in money of similar character, and subject in a measure to the same fatal objection. In this case the stock on hand is very great; but it

is only one-half as much as that of the two precious metals combined; and this important fact must settle the fate of the experiment.

COMPARATIVE FACILITY AND COST OF TRANSPORTING GOLD AND SILVER.

During the great continental wars of three-fourths of a century ago, the necessity of having large military chests in the service of armies rendered it necessary to transport large sums of specie in the field. For this purpose gold was found to be superior to silver on account of its lighter weight in proportion to value. While the fact was then so important that it may have had no little influence in reconciling the British nation with that formal adoption of the single gold standard which followed shortly after these wars, it is now of no importance whatever, even in Europe, and never has been of any importance in this country. Armies do not employ military chests nowadays. Russia, Austria, Italy, Germany, France, and even England, have fought their greatest campaigns with the aid of treasury or bank paper. In America all our wars have been fought with paper. The colonial expedition to Louisbourg, in 1745, was conducted with paper, our war of Independence was fought with paper, our rebellion was put down with paper. Whatever may be the evil effects of paper, it is hopeless to expect that it will not be issued by governments in the event of great wars. War is of itself the greatest of evils, and the lesser evil of paper merely follows in its wake, as sharks do the mutinous ship.

In times of peace the cost of transporting a given sum in gold or silver is the same, notwithstanding the lighter weight of the former. Freights upon gold and silver are rated according to value, and not according to bulk or weight. The freight upon a ton of gold from California to New York is now more than sixteen times as much as that upon a ton of silver, and this is the same upon railway, and steamship, and other transportation lines throughout the world. The curious will find the actual freights quoted in M. Cernuschi's work on Bimetallism.

The rating of freights upon gold and silver by value instead of bulk or weight is due to the important consideration of risk. The bulk or weight of a million dollars in silver is far greater than that of a million dollars in gold; but the risk of loss from accident or robbery is far greater in the case of gold than in that of silver. An ingot of gold worth \$2,000 could be very easily lost, and would be very difficult to recover in case of a railway collision, a fire, the breaking of a bridge, a robbery, &c. An ingot of silver worth \$2,000 would be difficult to lose and easy to recover; nor could a thief conveniently carry it off, because it would weigh over a hundred pounds. No guards are required to conduct a shipment of silver bars, because no highwaymen could lift them, whilst gold ingots of the same value could be stowed away in the pocket, and therefore would have to be guarded by armed

men. The expense incurred in this and other ways fully counterbalances the saving which arises from inferior bulk or weight in transportation.

As to the alleged superiority of gold in handling sums of money suitable for the ordinary payments of commercial life, it is the merest moonshine. One would suppose, to hear this claim made, that such an institution as banking was unknown to the world, instead of being, what is the fact, of seven hundred years' growth. Only the most narrow theorist will contend that the resumption of specie payments in this country will be followed by the extinction of banks. After resumption, banks will receive specie on deposit and issue bills in its place, and these bills will be used for payments from hand to hand just as similar bills were used before suspension. The only difference will be that, thanks to the superiority of the national over the old State bank systems, the bills will be better secured—indeed, we may say absolutely secured—provided, of course, that no relaxation is made of the admirable and sound conditions and principles upon which this system was founded; and of such relaxation we need entertain no fears.

In such case, and in all cases, we always have a perfect expedient to obviate the inconvenience of handling coins, that of depositing the coins with the Government, which shall issue therefor, dollar for dollar, bills to be declared by law receivable for all payments, public and private.

This project I need not elaborate at this time or in this connection. Its suggestion merely serves to show that in any event our money, whether of gold or silver, or both, as it should be, can always be made easy enough to handle through the medium of representative paper.

It should always be borne in mind that, as M. Cernuschi remarks, a bill of exchange (or bank-note) for silver does not weigh any more than one for gold.

#### THE SINGLE STANDARD COMMERCIALLY UNPROFITABLE.

If we look at the question from the national and not merely the plutocratic point of view, it will appear that every nation which demonetizes one of the metals and limits itself to the use of the other only punishes itself. It would leave more money to the other nations. Prices would fall in the former countries and rise in the latter. The former would have to sell their products to the latter at low prices and purchase back in high prices; just as China sells to us now at low prices and buys from us at high ones. If instead of selling their products wherewith to pay for the products they purchased, the gold-standard nations sold their products wherewith to purchase the demonetized metal in which the prices of the other were rated, as for instance, if England purchased silver wherewith to pay for East India products, she would have to purchase such silver at the high



prices of commodities which would prevail in India after the surplus stock of Europe were driven thither. In other words, the course of exchange would be against the gold-standard nations. For example, a pound sterling of exchange upon India would cost more than a pound sterling of gold in England. Arrange it as you will either, product against product, or product against exchange, the result will be the same. The nations with a limited stock of money would trade disadvantageously with nations having both the metals for their standard of value. This is the secret of the profitableness of the oriental trade. The oriental countries employ but one metal for their standard—silver. The occidental countries have hitherto employed both metals. Hence the low prices of the Orient and high prices of the Occident. As a measure between the labor of the two great divisions of the world, it has always been favorable to the Occident. This advantage it is now proposed to destroy. To call it madness would be but a mild stigma.

OUR MONEY SHOULD BE EN RAPPORT WITH THAT OF THE WORLD.

Having already shown that gold and silver was the money of the world—not gold or silver singly—it would seem hardly necessary to reply more specifically to an objection to the restoration of the double standard which some men suggest. That suggestion is, that unless we adopt the gold standard we shall not be *en rapport* with the standard of England, the country with which we transact the most commerce.

Those who suggest this objection do not appear to remember how foreign exchanges are conducted. Balances of trade are not paid in coin, but in bullion, and it makes no difference whether the bullion is of gold or silver or both. It goes for its value, whatever that may be at the time. Exchanges are adjusted by means of bills, which are rated in view of the standard of value in the several countries upon or through which the bills are drawn. Suppose our standard were of gold, and we had to pay for a balance of trade to China; we would not pay in gold coin, but in bullion, in gold not at its price in this country, but at its price in all countries. This would be determined by the course of exchange, which is the product of settlements between all commercial nations. So, if our standard were the double one of silver and gold, our balances with England would not be settled in gold and silver coin, but in bullion, at its price in all countries, as determined by the course of exchange. We would settle in bills of exchange, as we do now, as we always have done. So far as this objection goes, the discordance between the standards of two countries is of no consequence whatever. Discordance of standard is only material when it has the effect of locally demonetizing, for a greater or lesser duration of time, an important part of the world's stock of



coin, and this can only happen when several important countries unite in demonetizing one of the metals. This is the case now. Silver is being driven to the Orient, and though, in spite of demonetization, it will find its way back in time, yet meanwhile the nations who unite in demonetizing it will needlessly produce a revolution in prices and the relations of the various classes of society, which may seriously affect the rank of such in the scale of civilization.

To render our standard of money *en rapport* with that of England, while it would not prove of the slightest convenience in commercial affairs, would tend to render our institutions of government *en rapport* with hers. If this is what gentlemen desire, they should say so openly, and not under the mask of a fancied commercial advantage. Their constituents will then be better able to appreciate their statesmanship.

#### GROWING INFLUENCE OF THE WORLD'S STOCK OF SPECIE.

There was a time when the world's stock of specie was so small that the slightest vicissitude in the supply of bullion from the mines was sufficient to cause violent fluctuations in prices and violent changes of fortune. The feudal system owes no little of its strength and permanence to this fact, for it was the only institution upon which the ruling classes, ecclesiastical and secular, could rely to secure to them their monopoly of wealth. When the feudal system, through many causes,\* began to lose strength, the mercantile system was adopted to serve the purpose of controlling the flow of specie from one country to another. At the present time the world's stock of specie is so great, that the vicissitudes of supply can have but little influence upon prices; and as that stock becomes larger and larger, the influence of the supply will become less and less. Another century may see society safely placed beyond the influence of these mutations.

Yet now, upon the threshold of a condition of affairs which must do more to equalize the fortunes of individuals and advance the progress of society than any other, it is proposed to destroy at one blow the work of countless centuries, by demonetizing one-half of the world's stock of specie, and the United States are asked to assist in this work of superlative madness and inhumanity. Such a proposition, which could only emanate from men crazed and arrogant with good fortune, is not merely an insult to the genius and institutions of this country; it is a bold and direct attack upon progress, upon civilization, upon liberty. The men who have made it do not merely attack the prosperity of their own countries, they conspire to destroy humanity, they are traitors to society, they have urged a proposition of the most violent and revolutionary character.

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\* The invention of gunpowder, the introduction of bills of exchange, the discovery of America, and establishment of colonies with ample arable lands, &c.

## NOBODY HURT BY RESTORING THE DOUBLE STANDARD.

I ask gentlemen to point me out one individual who can be injured by restoring the double standard, recoinng the silver dollar of 371 $\frac{1}{4}$  grains fine, and making it a legal tender for all amounts, as it was before. Point me out one man who would suffer by it. Point me out one product of the country which would be lessened in its gold price by restoring the silver dollar. Point me out one interest imperiled, one sacrifice sustained. On the other hand, I will point you out millions of men who will be ruined if you persist in retaining the gold standard; I will name a thousand products of the country which will continue to fall in price; I will show you a myriad of interests in jeopardy, and innumerable sacrifices to be sustained.

## THE STOCK OF MONEY MAKES PRICES, AND THE COURSE OF PRICES AFFECTS CIVILIZATION.

Double the world's stock of money to-day, and you will double all prices. Diminish it one-half, and prices will fall one-half. This relation of money and price is axiomatic. You will find it in all the books on political economy. No writer has ever ventured to doubt it; not even Tooke, who doubted everything, even his own opinions.

Price is the expression of the measure of value, which is money. The larger the measure, the larger the expression or price; the smaller the measure, the smaller the expression or price. Hence, with a large stock of coin in the world, prices would be high; with a small stock prices would be low. To increase the stock of coin is to enhance prices, alleviate the burdens of the debtor class, and distribute wealth; to decrease it is to lower prices, increase the claims of the creditor class, and concentrate wealth. One result leads to social progress, the other to decay. Every dollar hewn out of the rocks, no matter whom it enriches in the first instance, has an immediate effect in alleviating the general condition of mankind. Every dollar worn out, lost, or demonetized by plutocratical legislation, tends to lower prices and concentrate wealth, tends to impoverish the needy and enrich the affluent.

The proposition to resume specie payments in this country on the gold standard is tantamount to demonetizing one-tenth of the world's stock of silver or one-twentieth of its entire stock of coin. When the long period which has been required to accumulate this stock is taken into consideration, it is not too much to say that this act will set us back in the command of some of the most important factors of civilization as much as a century of constitutional freedom has set us forward.

## THE STANDARD OF VALUE IN VARIOUS COUNTRIES IN 1870.

The standard of value which existed in the various principal countries of the world in 1870 was as follows:

## DOUBLE STANDARD.

<i>Country.</i>	<i>Population.</i>
United States*.....	39,000,000
France.....	36,000,000
Italy*.....	26,000,000
Spain.....	17,000,000
Belgium.....	5,000,000
Switzerland.....	3,500,000
Greece*.....	1,500,000
Peru.....	4,000,000
New Granada.....	3,000,000
Ecuador.....	1,000,000

## SILVER STANDARD.

India.....	200,000,000
China.....	250,000,000
Russia*.....	82,000,000
Germany.....	41,000,000
Austria*.....	36,000,000
Mexico.....	9,000,000
Sweden }.....	6,000,000
Norway }.....	
Denmark.....	2,000,000
Holland.....	4,000,000
Central America.....	2,500,000

## GOLD STANDARD.

United Kingdom.....	31,000,000
Turkey*.....	36,000,000
Brazil*.....	10,000,000
Portugal.....	4,000,000
Chili.....	2,000,000
Australia.....	2,000,000

## AN INTERNATIONAL STANDARD CONVENTION.

It would be desirable for all nations to adopt permanently the same standard of value, and if the same were, as in my opinion it no doubt would be, the double standard, to adopt the same relation between the metals. To effect this object all that is necessary is an international standard convention, which can be called by any one of the great powers, and should be called by the United States. Provision should be made that no other projects but the standard and ratio should be determined upon, and that the nations should vote according to population or wealth, or on a mixed basis consisting of both. For such an international convention to be called by the United States there is imminent necessity. I regard this project as likely to lead to results

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\*Specie payments suspended.

of the highest importance. It may become the forerunner of that federation of the nations of which poets have dreamed and bards have sung. The initial point of such a federation is most fitly the standard of value, for this lies at the base of all social and governmental arrangements; it determines the institution of property.

THE PECUNIARY INTEREST OF ENGLAND AND GERMANY IN THE GOLD STANDARD.

In a paper published in the Journal of the Society of Arts for March 10, 1876, Mr. Ernest Seyd estimates the amount of foreign debt (governmental, corporative, and other) held in England, Germany, and France as follows :

England, from .....	\$5,000,000,000 to \$5,500,000,000
Germany, from .....	2,750,000,000 to 3,000,000,000
France, from .....	2,500,000,000 to 2,750,000,000

Confining our view to England and Germany only, we shall see how great a present pecuniary interest these countries have in establishing and upholding a single gold standard. According to Mr. Seyd's estimates these two countries alone hold over \$8,000,000,000 of foreign debt. By limiting themselves to the single gold standard and endeavoring to influence other nations (our own among the number) to adopt it, they have already succeeded in producing a decline of about  $7\frac{1}{2}$  per cent. in the relation of gold and silver, this being the ratio of the difference between 15.63 and 16.69, the average relation of silver to gold in 1872 and 1875 respectively. Now,  $7\frac{1}{2}$  per cent. on \$8,000,000,000 amounts to no less a sum than \$600,000,000, which is the measure of the profit of the British and German plutocracy on the foreign debts they hold. Descending from the principal to the interest on these debts, if we estimate the average annual interest at 6 per cent. per annum, which is certainly within the mark, the difference to these plutocracies between obtaining their interest in gold and obtaining it in silver during the years 1872 and 1875 inclusive has been no less than \$36,000,000 per annum. Since the introduction of the demonetization act into the American Congress these gentry have gained \$108,000,000 by having their interest paid in gold instead of silver. The magnitude of this advantage, every dollar of which has been a clear and gratuitous loss to the debtor nations, is surely enough to account for the vehemence of the plutocratical objection to the double standard. With \$36,000,000 a year at stake, there is little wonder that they have succeeded in marshaling to their aid so imposing an array of advocates in the legislatures and the press of the victimized countries from which this extra and gratuitous tribute was drawn.

THE RIGHT TIME TO REHABILITATE THE SILVER DOLLAR.

The right time for us to rehabilitate the silver dollar, to restore the double standard, is not when the necessities of nations shall compel them, as it will compel them all, to go into the market for silver. A

simultaneous demand from Germany and the United States alone would put that metal up to 15, perhaps for the time even to 14. The right time for us is now, while silver is temporarily cheap, and no other nation of the Occident is bidding for it. Last month silver stood at 17.82, and already it is up to 17.69. Before the year has expired it may stand 15.50. It is dangerous and costly to delay. The present time is therefore the most favorable one which may present itself. Let us not postpone reform until it is too late to accomplish it. European demonstration and an exceptional mine give us a great advantage. Why should we not use it?

#### PRACTICAL WORKING OF THE SINGLE STANDARD IN ENGLAND.

When an outflow of specie threatens to occur in England, the occurrence is sought to be averted and its effects mitigated by raising the rate of discount at bank. This action at once clogs all financial operations by rendering them expensive and difficult of accomplishment. Raising the rate of discount at bank is like putting the brakes on a railway train; lowering it is like taking the brakes off.

The Bank of England was established in 1694. From that year to the year 1816, a period of one hundred and twenty-two years, there were only sixteen changes in the bank rate. This rate never fell below 4 per cent., and (except in two instances to 6) never rose above 5 per cent. During this period the double standard existed in England. In 1816 the double was changed to the single gold standard. From 1816 to 1847, a period of thirty-one years, there were sixteen changes in the bank rate; as many as had occurred under the double standard during a period of one hundred and twenty-two years. But these changes, numerous as they were, compared with the few that had previously taken place, were few themselves compared with the number that took place after 1847, when the gold product of California began to make itself felt in the markets of the world. From 1847 to 1874, inclusive, a period of twenty-seven years, the number of changes in the Bank of England rate was no less than two hundred and twenty-three, and the rate fluctuated violently from  $2\frac{1}{2}$  to 10 per cent. per annum.

These fluctuations have been ascribed by various writers to various causes, but none of these causes appear to have had so potential an effect as the mutations of the gold production of the world, for these must have operated with peculiar and great force in a country which alone among all the great countries of the world had committed itself to so unstable a measure of values as gold.

#### PRACTICAL WORKING OF THE DOUBLE STANDARD IN FRANCE.

While I have not been able to obtain in time for the present purposes the statistics of the changes in the rate of discount by the Bank of France, my general recollection on the subject enables me to say



that these changes have been very few, and, except at certain critical financial junctures, they have been unimportant. In a word, the rate of discount charged by this great institution, which is second only to the Bank of England in the magnitude of its resources and operations, has been changed but seldom and slightly from the period of its foundation, in the year 1800, to the present day. Even at the financial junctures alluded to, I am unable to find any record of a higher rate than  $6\frac{1}{2}$  per cent., and this occurred during the suspension which followed the Franco-German war. This steadiness of the rate is attributable to the double standard.

#### THE BANK RATE REGULATES ALL COMMERCIAL OPERATIONS.

The rate of discount at bank not only regulates the outflow of specie; it also very powerfully affects all commercial transactions. It is the price at which money can be borrowed to carry domestic produce, to import and export merchandise abroad, to construct railways and other public improvements, to pay debts, meet maturing obligations, and the like. Every commercial speculation, every financial scheme, is influenced by its fluctuations. It is the merchant's inverse barometer, whose fall indicates prosperity, and whose rise points to bankruptcy and ruin; while its modifying influence acts like a break-water to protect the country from the fierce currents of the financial ocean.

#### NO SUCH REGULATOR IN THE UNITED STATES.

In the United States there is no national bank *par excellence*, no great central institution whose operations govern those of all smaller ones and at once influence the course of trade. There has been no such institution in this country since 1837. The so-called "national banks" are private institutions, and national only to the extent that they are chartered by the Federal Government, and must conform to its regulations as to securities and circulation. They may each of them charge whatever rate of discount they please within the rate permitted by the laws of the State wherein they are situated. As the legal rate of interest differs in nearly all the States, and the banks are not combined under any single management, there is no uniformity in the rate of interest they charge, and it follows that, except so far as concerns the action of certain prominent banks in the leading financial cities of the country, there is no practical check which can be exerted to restrain or modify a threatened outflow of specie, or any other financial disaster or inconvenience.

THEREFORE THE UNITED STATES LESS ABLE THAN ENGLAND, FRANCE, OR GERMANY TO RUN THE RISKS OF A SINGLE STANDARD.

Hence for the United States to trust its commercial prosperity to the violent hazards of a single standard would be even more improvident than it has proved in the case of England. That country, in its

great national bank, possesses a "governor" upon whose action it can rely to break the force of sudden and great movements of specie. Even with this "governor," we have seen, in the fluctuations of the rate of interest, how violent these movements have been. France possesses a similar "governor;" so does Germany. The former country has never run the risk of trusting to it in this matter of abandoning the double standard, while the latter, during a contemplated change from the silver to the gold standard, has halted midway at the double standard.

Yet, although quite destitute of that great financial mechanism, even with the aid of which France and Germany hesitate to encounter the great peril which England has invited them to share with her, we of the United States are asked to adopt the single gold standard, and run the risk of immediate shipwreck. This may be sound advice; but I must confess it does not appear to come from people who have evinced any solicitude for the welfare of the country.

#### OPPOSITE AND UNEXPECTED EFFECTS OF THE FRENCH INDEMNITY.

As a consequence of the victory of Germany over France in 1870, the last-named country was compelled to pay to the first-named an indemnity amounting to the enormous sum of \$1,000,000,000. One would naturally have supposed that this indemnity would prove a heavy burden to France and a source of great prosperity to Germany; but, owing, as it seems to me, chiefly to the retention of the double standard in France and the attempt to establish the gold standard in Germany, these consequences have been reversed; the burden is upon Germany; the prosperity has fallen to the share of France. The presence of a large stock of silver coin in France enabled that country to raise the enormous indemnity fund from its own people, who offered the government five times as much as it asked for, and at a low rate of interest. This stock of silver would not have been found in the country but for the retention of the double standard of 1803. The rate at which it was loaned was so low that the country scarcely feels the burden, and its industrial activity has received no check.

Germany, on the other hand, no sooner received the indemnity than she unwisely attempted to follow the short-sighted footsteps of England, and changed her standard of silver to gold. What have been the consequences? Panic, interruption of industry, commercial stagnation, and popular distress. To this distress Germany, unlike England, cannot afford to turn a deaf ear, for the greatness of the former country depends upon its people, and not like the latter, upon its wealth. Already Germany hesitates, and she will soon be obliged to retrace her ill-advised steps. If she does not, it is quite safe to foretell that her efforts to establish the gold standard will do more to alienate from her the affections of her heterogeneous populations than the land reforms

of Stein and Hardenbergh had done to win them. If such a result as a change from the silver or the double standard to the gold one is the natural result of receiving a great war indemnity, it will be the better for Germany the next time she wins a victory to pay an indemnity rather than receive one.

LEGISLATION ON THE STANDARD OF THE UNITED STATES.

*Table showing the various acts of the United States Government authorizing the coinage of silver and gold dollars, or their multiples or fractions, the weight of the same in pure metal, the extent to which the same were made legal tenders for the payment of debts, and the legal relation thus established between silver and gold. Also the London market relation of the metals at the period of the passage of such acts.*

Act.	Coins.	Weight of dollar. (troy grains, pure.)	Extent of legal tender.	Legal relation.	Approximate Lon- don market re- lation.
Apr. 2, 1792	{ Silver dollar..... Gold dollar, multiples of.*	{ 371.25 24.75	{ Unlimited. Unlimited.	15.00000 to 1.	{ About 14.9 to 1
July 31, 1834	{ Silver dollar..... Gold dollar, multiples of.	{ 371.25 23.20	{ Unlimited. Unlimited.	16.00215 to 1.	{ About 15.8 to 1
July 18, 1837	{ Silver dollar and frac- tions of.† Gold dollar, multiples of.	{ 371.25 23.22	{ Unlimited. Unlimited.	15.09337 to 1.	{ About 15.7 to 1
Feb. 24, 1853	{ Silver dollar..... Gold dollar and mul- tiples of. Silver dollar, frac- tions of.	{ 371.25 23.22 345.60	{ Unlimited. Unlimited. Five dollars	15.98337 to 1.	{ About 15.3 to 1
Act { §3516	Silver dollar.....	.....	Interdicted	.....	.....
Feb. { §3513	Silver dollar, fractions of.	347.22	Five dollars.	.....	.....
12, { §3513	Silver "trade-dollar" ..	378.00	{ \$5 dollars .	.....	.....
1873, { §3511	Gold dollar and multi- ples of.	23.22	Unlimited.	16.27907 to 1.	{ About 15.9 to 1
Rev. Stat.					

\* Eagles, half-eagles, and quarter-eagles.

† Half-dollars, quarters, dimes, and half-dimes.

‡ The act (February 12, 1873) prescribes the weight of the debased fractional silver coins in "grams," which another act (Revised Statutes, section 3570) defines to be 15.432 grains each.

§ The making of the trade-dollar a limited legal tender by section 3596 of the Revised Statutes is believed to have been unintentional.

THE VOICE OF AUTHORITY.

The voice of authority has ever been in favor of the double standard and opposed to the single. I have only time to quote some of the most eminent statesmen, economists, bankers, writers, and practical men on this subject.

Alexander Hamilton :

To annul the use of either of the metals as money is to abridge the quantity of

*circulating medium*, and is liable to all the objections which arise from a comparison of the *benefits of a full with the evils of a scanty circulation*.. (Report to Congress, 1791.)

Thomas Jefferson :

I return you the report on the mint. I concur with you that the unit *must stand on both metals*. (Letter to Hamilton, February, 1792.)

In his *Recherches sur l'or et sur l'argent*, 1843, Leon Fanchet said :

If all the nations of Europe adopted the system of Great Britain, the price of gold would be raised beyond measure, and we should see produced in Europe a result lamentable enough. The Government cannot decree that legal tender shall be only gold, in place of silver, for that would be to decree a revolution, and the most dangerous of all, because it would be a revolution leading to unknown results, (*qui marcherait vers l'inconnu*.)

In a memoir read before the French Institute in 1868, M. Wolowski said :

The suppression of silver would bring on a veritable revolution. Gold would augment in value with a rapid and constant progress, which would break the faith of contracts, and aggravate the situation of all debtors, including the nation. It would add at one stroke of the pen at least three milliards to the twelve milliards of the public debt.

Though the voices and votes of this great statesman and publicist, and of those who sided with him in the debates of the monetary convention of 1865, were overpowered, yet they still reverberate throughout the world ; for truth and right cannot be suppressed.

A monetary commission appointed by the French government in 1869 took the testimony of practical financiers, who were unanimous against the proposed demonetization of silver. Before this commission M. le Baron Alphonse de Rothschild said :

The actual state of things, that is to say, the simultaneous employment of the two precious metals, is satisfactory and gives rise to no complaint. What is most needed in commerce is facility in its operations, and to-day it employs, according to its needs, sometimes gold and sometimes silver, and the partial replacement of silver by gold, which has taken place in these later times, has been effected without inconvenience.

They now demand that silver should be demonetized, as fifteen years ago they demanded that gold should be. The French government wisely refused to demonetize gold then, and it will be equally wise to refuse to demonetize silver now. In fact, whether gold or silver dominates for the time being, it is always true that the two metals concur together in forming the monetary circulation of the world, *and it is the general mass of the two metals combined which serves as the measure of the value of things*. In countries with the double standard the principal circulation will always be established of that metal which is the most abundant. It is scarcely twenty years ago that silver was the principal element in our transactions. Since the discoveries of the California and Australian mines, it is gold which has taken its place. No person can foresee what the future has in store for us, or can predict that the proportion in which the two metals are now produced may not be changed in favor of silver.

It appears to me that there are real advantages in maintaining silver in circulation and none in its suppression, since it is now actually a part of the circulation. I should regret the demonetization of silver in its relations to our internal circula-

tion, our commercial intercourse with other countries, and the always uncertain eventualities of the future. *But I should regret it even more if our example should be followed by other nations, for that suppression of silver would amount to a veritable destruction of values without any compensation.*

Without doubt the two metals are not always in the same measure at our control; there is always one more abundant than the other; but neither of them has ever completely disappeared, and we have always been able to find the one of which we had need.

This is not the voice of plutocracy; it is the utterance of a great financial power whose self-interest is grand, enlightened, and in harmony with the other great interests of the world.

M. Rouland, the governor of the Bank of France, said:

We have not to do with ideal theories. The two moneys have actually coexisted since the origin of human society, without any disadvantage, and even with actual advantage in all countries which have availed themselves of them. They co-exist *because the two together are necessary, by their quantity, to meet the needs of circulation. This necessity of the two metals, has it ceased to exist?* Is it established that the quantity of actual and prospective gold is such that we can now renounce the use of silver without disaster? In place of the two moneys, is it entirely sure that the whole world can be usefully served with only one?

M. Wolowski said:

To adopt one metal, gold, to the exclusion of the other, it is not merely as if they closed all existing mines of silver, but as if they suppressed in this regard the labor of all past ages. The sum total of the precious metals is reckoned at fifty milliards,\* one-half gold and one-half silver. If, by a stroke of the pen, they suppress one of these metals in the monetary service, they double the demand for the other metal *to the ruin of all debtors.*

At the sitting of the French senate on the 28th of January, 1870, which has properly been characterized as "memorable," from the magnitude of the subject of the debate and from the dignity and gravity with which the discussion was maintained, Dumas, a senator, to whose words learning, experience, virtue, and age combined to give weight, invoked the body to pause before concluding to make a change which *"would affect the whole human race."* He said:

Those who approach these questions for the first time decide them at once. Those who study them with care hesitate. Those who are obliged practically to decide, doubt and stop, overwhelmed with the weight of the enormous responsibility.

The quantities of the precious metals which are now sufficient may become insufficient, and we should proceed with great prudence before we diminish that which constitutes a part of the riches of the human race. Sometimes gold takes the place of silver. Sometimes silver takes the place of gold. *This keeps up the general equilibrium.* Nobody can guarantee that the present vast production of gold will continue. The *placers* are found on the surface of the earth, and may be exhausted by the very facility of working them. Silver presents itself in the form of subterranean veins. Science may contribute to accelerate its extraction. In presence of the unknown, which dominates the future, we should practice a prudent reserve.

Henri Cernuschi, the eminent French political economist and au-

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\*M. Wolowski here refers not to coin only, but to the precious metals in coin and plate, &c.



thor of *La Monnaie Bimétallique*, writes an article in the *Paris Siecle* on the depreciation of silver, urging England and America to adopt a double standard, and to fix the relative value of gold and silver at  $15\frac{1}{2}$  to 1, the rate generally prevalent on the Continent. Dwelling specially on Anglo-Indian interests, M. Cernuschi says :

Seduced by gold "monometalism," Europe has ceased to coin silver, but it had long coined it previously, and colossal sums are in circulation. All this silver is to be called in and melted down, the more so as it circulates as a forced currency for a value it no longer possesses. All this silver is to be sold, and it is to London it will be sent to get gold. Floods of silver going up the Thames, floods of gold descending; scarcity and increasing value of the yellow metal, which is the only English currency, glut and depreciation of the white metal, which is the only Indian currency. The two conflicting "monometalisms" are about to face each other, the one suffering from anæmia, the other from plethora; two crises instead of one—a gold crisis and a silver crisis. From Galle to the Indus what a monetary shock; what a rise of prices produced by the invasion of silver! What increasing alterations in the value of all contracts and all engagements fixed in rupees! The most terrible monetary storm ever known, breaking out in a conquered country, amid a population six times as large as that of the United Kingdom! Can England fold her arms? Can she say to trembling interests "Be patient; everything will end by finding its level?" The indifferent fatalism to which somnolent ulemas may resign themselves is repugnant to the proud British Neptune. England will have resolution to eliminate the evil. To insure her welfare she will desire all that is possible, rational, and efficacious. If it is demonstrated that the international rehabilitation of silver is the real solution, England will not hesitate; she will convoke the nations to the congress of monetary peace.

R. H. Patterson, a distinguished political economist, says:

It appears evident, then, that the formidable objections which theorists make to the existence of a double standard of value in a country are unsupported by facts. They conjure up a vision of hydras, gorgons, and chimeras dire for which we feel no apprehension. If a country has enough of gold or of silver to make its coinage entirely of that metal, good and well. But if not—as is the case in India—by all means let it employ both metals. The correctness of this opinion is abundantly shown in the case of France. In that most logical of countries the double standard has long been established, and no one there has any desire to abolish it. During the last dozen years this double standard has been subjected to the severest test that could be applied, and yet every one is satisfied with its working. Gold is pouring in, silver is pouring out—a revolution is being effected in the currency of France; yet no one complains. Evidently practical or appreciable disadvantage of any kind is quite unknown. Theoretically, as we have shown, a double standard cannot do much harm; practically, we find it does none at all. And since it works under the most trying circumstances without the least injury in France, it may safely be introduced without any apprehension and with great advantage into India. (*The Economy of Capital*, London, 1864, page 59.)

ERNEST SEYD. This able and impartial writer has written several works on coin and bullion which evince a thorough knowledge of these difficult subjects. He says:

The rejection of silver as a standard of value would be a most unwise and dangerous proceeding. It would be a far better and safer course to establish the double gold and silver valuation. (*Bullion and Foreign Exchanges*, London, 1868.)

We think it can be shown that the gold valuation has been injurious to England's interests in her foreign trade as well as in her internal financial policy. (*Ibid.*)

Similar views are entertained in Mr. Seyd's latest essay, published in the *Journal of the Society of Arts* for March, 1876.

#### CONCLUSION.

I have done. For the patience and attention with which Senators have listened to an exposition unusually lengthy and somewhat tedious, I thank them, and can only plead the transcendent importance of the subject.

There is yet time to undo the work of 1873, to correct the grave blunder perpetrated by the mint act of that year, in interdicting the American silver dollar and substituting the single standard of gold for the money of the Constitution. The disastrous effects which, in my opinion, are bound to flow from this attenuation of the standard and the basis of prices and credit are not yet felt because of the existing suspension of specie payments; but so soon as specie payments are resumed—if indeed they can ever be resumed without the restoration and co-ordination of silver in the standard—will the bad effects of this legislation develop themselves and make their mark upon the affairs of the country. It may then be too late to reform.

The present is therefore the acceptable time to undo the unwitting and inconsiderate work of 1873, and to render our legislation upon the subject of money consistent with the physical facts concerning the stock and supply of the precious metals throughout the world and conformable to the Constitution of the country.

We cannot, we dare not, avoid speedy action upon this subject. Not only do reason, justice, and authority unite in urging us to retrace our steps, but the organic law commands us to do so, and the presence of peril enjoins what the law commands. By idly interfering with the standard of the country, Congress has led the nation away from the realms of prosperity and thrust it beyond the boundaries of safety. To refuse to replace it upon its former vantage ground would be to incur a responsibility and deserve a reproach greater than that which men have ever before felt themselves able to bear.

## APPENDIX.

## MOVEMENT OF THE CURRENCY.

TABLE A.—*Showing the currency of the United States from 1775 to 1875, inclusive. Sums in millions of dollars and tenths.*

Year.	Coin.	United States and national bank notes.	State bank notes.	Total paper.	Total currency.	Population.	Currency, per capita.	Remarks.
1775	\$6.0	.....	.....	\$5.0	\$11.0	2.5	\$44.0	Lord Sheffield (Seybert, 554) says 9½ coin.
1775-1781	.....	.....	.....	.....	.....	.....	.....	Era of "Continental money."
1790	16.0	\$2.0	\$1.0	3.0	19.0	3.9	4.87	Repudiation of Continental issues.
1791	16.0	.....	.....	9.0	25.0	4.0	6.25	First Bank United States.
1792	17.0	5.0	2.0	7.0	24.0	4.1	5.85	
1793	20.0	.....	.....	11.0	31.0	4.3	7.20	
1794	21.5	.....	.....	11.5	33.0	4.5	7.40	
1795	19.0	.....	.....	11.0	30.0	4.6	6.50	
1796	16.5	.....	.....	10.5	27.0	4.8	5.60	
1797	16.0	.....	.....	10.0	26.0	4.9	5.30	Suspension Bank England; flux of gold.
1798	14.0	.....	.....	9.0	23.0	5.0	4.60	
1799	17.0	.....	.....	10.0	27.0	5.2	5.20	Expiration of charter of first Bank United States.
1800	17.5	.....	.....	10.5	28.0	5.3	5.30	
1801	17.0	.....	.....	11.0	28.0	5.5	5.10	
1802	16.5	.....	.....	10.0	26.5	5.7	4.70	
1803	16.0	.....	.....	11.0	27.0	5.9	4.60	
1804	17.5	.....	.....	14.0	31.5	6.1	5.30	
1805	18.0	.....	.....	15.0	33.0	6.3	5.20	
1806	18.5	.....	.....	17.0	35.5	6.5	5.50	
1807	20.0	.....	.....	18.0	38.0	6.7	5.70	Embargo December 22; first steamboat.
1808	20.0	.....	.....	22.75	44.7	6.9	6.40	
1809	20.0	.....	.....	24.0	44.0	7.0	6.10	Specie drain; Mexican disturbances; stoppage of mines; suspension of New England banks.
1810	19.0	.....	.....	26.0	45.0	7.1	6.10	Drain of specie.
1811	18.0	.....	.....	28.0	46.0	7.3	6.10	Apprehension of war (Drain of specie.)
1812	17.0	.....	.....	35.0	52.0	7.6	6.80	War declared with England.
1813	17.0	.....	.....	52.0	69.0	7.8	8.80	War continued; bank mania.
1814	17.0	.....	.....	51.5	69.5	8.0	8.70	August and September all except New England banks suspended until January, 1817. Gold 114 to 120.
1815	20.0	.....	.....	45.5	65.5	8.2	8.00	February, peace. Gold 115 down to 102.
1816	24.5	.....	.....	50.0	74.5	8.4	8.80	Gold 116 to 117, 107; second Bank U. S.; England adopts the gold standard.
1817	*22.0	.....	.....	55.0	77.0	8.6	8.90	Partial resumption of Bank United States.

\*In these years the coin was all of silver; no gold. (Report of Mr. White, H. Rep. 21st Cong., 2d sess., No. 95.) In the year 1830 coins in bank \$15,000,000, silver in circulation \$8,000,000, bank notes \$77,000,000; total \$100,000,000. (Senate Rep., 21st Cong., 2d sess., Dec. 5, 1830, by Mr. Sanford, from Select Com. on Cur.)

TABLE A.—Showing the currency of the United States, &amp;c.—Continued.

Year.	Coin.	United States and national-bank notes.	State-bank notes.	Total paper.	Total currency.	Population.	Currency, per capita.	Remarks.
1818	*\$20.0	-----	-----	\$60.0	\$80.0	8.8	\$9.00	Height of bank mania; gold drain.
1819	*20.0	-----	-----	62.5	82.5	9.1	9.20	Revolusion.
1820	*26.5	-----	-----	58.0	86.0	9.4	9.00	Resumption of Bank of England; continued ef- flux of gold from United States.
1821	*23.0	-----	-----	65.0	88.0	9.7	9.10	Spring stricture. (Tucker, p. 208, says 18 to 20 coin.)
1822	*18.0	-----	-----	70.0	88.0	10.0	8.80	
1823	*17.0	-----	-----	76.0	93.0	10.3	9.00	
1824	*18.0	-----	-----	78.0	96.0	10.6	9.10	
1825	*19.0	-----	-----	81.0	100.0	10.9	9.20	
1826	*20.0	-----	-----	80.0	100.0	11.1	9.00	Temporary bank panic.
1827	*22.5	-----	-----	75.0	97.5	11.5	8.50	Winter stricture.
1828	*27.0	-----	-----	68.0	95.0	11.9	8.00	First railway in U. S.
1829	*31.0	\$12.5	\$50.0	62.5	83.5	12.4	7.50	Temporary bank panics; President Jackson de- clares against recharter- ing United States Bank.
1830	*32.0	-----	-----	61.0	93.0	12.8	7.20	Report of Cong. Com. fa- voring bank.
1831	35.0	-----	-----	66.0	101.0	13.2	7.65	Bill introduced to rechar- ter bank.
1832	39.0	-----	-----	71.0	110.0	13.6	8.10	
1833	42.7	-----	-----	77.0	119.7	14.0	8.50	Removal of deposits from bank.
1834	60.0	-----	-----	90.0	150.0	14.4	10.40	Veto of bank bill.
1835	80.0	-----	-----	103.0	183.0	14.8	12.40	Great fire in New York; loss, \$20,000,000.
1836	65.0	-----	-----	140.0	205.0	15.3	13.30	Expiration of charter sec- ond Bank United States.
1837	73.0	-----	-----	149.0	222.0	15.8	14.00	Great suspension.
1838	87.0	-----	-----	116.0	203.0	16.2	12.50	Universal insolvency; bankers' repudiation of Morris canal-stock; general contraction; fall in prices; stay laws; bankruptcy laws; liq- uidation; riots.
1839	87.0	-----	-----	135.0	222.0	16.7	13.40	
1840	83.0	-----	-----	107.0	190.0	17.0	11.20	
1841	80.0	-----	-----	107.0	187.0	17.5	10.70	
1842	60.0	-----	-----	83.7	143.7	18.0	8.00	Repudiation of the States.
1843	70.0	-----	-----	58.5	128.5	18.6	6.90	Lowest depression; re- sumption.
1844	100.0	-----	-----	75.0	175.0	19.2	9.10	Increase of currency.
1845	96.0	-----	-----	90.0	186.0	19.8	9.40	
1846	97.0	-----	-----	105.5	202.5	20.4	9.90	
1847	120.0	-----	-----	105.5	225.5	21.0	10.07	
1848	112.0	-----	-----	128.5	240.5	21.6	11.10	California mines opened.
1849	120.0	-----	-----	114.7	234.7	22.4	10.50	
1850	154.0	-----	-----	131.0	285.0	23.2	12.20	
1851	186.0	-----	-----	155.0	341.0	24.0	14.20	
1852	204.0	-----	-----	156.0	360.0	24.8	14.50	
1853	236.0	-----	-----	144.0	380.0	25.6	14.80	
1854	240.0	-----	-----	178.6	418.6	26.4	15.80	Australian mines.
1855	257.6	-----	-----	187.0	444.6	27.1	16.40	
1856	250.2	-----	-----	196.0	446.2	27.7	16.10	

\*In these years the coin was all of silver; no gold. (Report of Mr. White, H. Rep. 21st Cong., 2d sess., No. 95.) In the year 1830 coins in bank \$15,000,000, silver in circulation \$8,000,000, bank-notes \$77,000,000; total \$100,000,000. (Senate Rep., 21st Cong., 2d sess., Dec. 5, 1830, by Mr. Sanford, from Select Com. on Curr.)

TABLE A.—*Showing the currency of the United States, &c.—Continued.*

Year.	Coin.	United States and national-bank notes.	State-bank notes.	Total paper.	Total currency.	Population.	Currency, per capita.	Remarks.
1857	\$259.3	.....	.....	\$215.0	\$474.3	28.4	\$16.70	Temporary panic; suspension.
1858	251.6	.....	.....	155.0	406.6	29.1	14.00	Resumption.
1859	265.8	.....	.....	193.0	458.8	29.7	15.40	
1860	257.0	.....	.....	207.0	457.0	31.5	14.50	
1861	241.4	.....	.....	202.0	443.4	32.3	13.70	Civil war; demand notes issued.
1862	298.5	.....	.....	184.0	482.5	22.9	21.00	Suspension; greenbacks issued.
1863	100.0	\$411.0	\$161.0	572.0	672.0	24.5	27.40	Circulation of State banks supplanted by national banks.
1864	90.0	513.0	140.0	653.0	743.0	26.1	28.50	National-bank notes; highest inflation. Gold 285.
1865	85.0	604.0	65.0	669.0	754.0	30.3	24.90	Peace; gradual contraction.
1866	100.0	713.0	37.0	750.0	850.0	*36.0	23.60	Rehabilitation of the South.
1867	140.0	704.0	nom.	704.0	844.0	*37.0	22.80	Extinction of State-bank-circulation.
1868	140.0	699.0	nom.	699.0	839.0	*38.0	22.80	Contraction continues slowly.
1869	140.0	692.0	nom.	692.0	832.0	†39.1	21.20	Contraction continues slowly.
1870	152.8	704.0	nom.	704.0	856.4	38.6	22.20	
1871	136.7	723.7	nom.	723.7	860.4	39.6	21.70	Great Chicago fire; loss \$150,000,000.
1872	122.1	741.4	nom.	741.4	869.5	40.6	21.40	Great Boston fire; loss \$80,000,000.
Jan. '73	130.0	752.0	nom.	752.0	882.0	41.7	21.10	Silver demonetized; panic; \$20,000,000 State-bank clearing-house certificates and \$10,000,000 Treasury reserves issued as currency; gold imported.
Oct. '73	140.0	762.0	20.0	872.0	922.0	41.7	22.10	
1874	140.0	761.1	nom.	761.1	901.1	42.9	21.00	Contraction continued.
1875	142.0	736.3	nom.	736.3	878.3	44.1	19.90	Contraction continued.

\* According to censuses taken in 1866, 1867, and 1868, by the Bureau of Statistics, through the Internal Revenue organization. The census of 1870 shows a smaller population than that of 1869, but the discrepancy is attributed to the different means and methods adopted to effect the enumerations. The figures subsequent to 1870 are based upon the census of that year.

† Estimates based on census of 1868.



## FAILURES IN BUSINESS.

The following table (B) is from the Mercantile Agency Reports, and shows that the number of failures in business in all the States of the Union has closely followed the movement of the currency :

Years.	Movement of currency.	Failures.
1859.....	Increasing.....	3,913
1860.....	Increasing.....	3,673
1861.....	Decreasing.....	6,993
1862.....	Increasing.....	1,652
1863.....	Increasing.....	485
1868.....	Decreasing.....	2,608
1869.....	Decreasing.....	2,799
1870.....	Decreasing.....	3,551
1871.....	Decreasing.....	2,915
1872.....	Decreasing.....	4,060
1873.....	Decreasing.....	5,183
1874.....	Decreasing.....	5,830
1875.....	Decreasing.....	7,740

There were but few failures during the rapid increment of the currency from 1862 to 1866. Since that period the number of failures has steadily and largely increased, until now it is 7,740 per annum, and during the first three months of 1876 it was 2,806, or at the rate of 11,224 per annum.

The failures in New York City, taken by itself, were as follows :

1871, 324; 1872, 385; 1873, 644; 1874, 645; 1875, 951; and during the first three months of 1876, 313.

TABLE C.—*Fires in New York City.*

Period.	No. of years in period.	Currency during the period.	Average annual No. fires.
1856-1860.....	5	Increasing.....	653
1861.....	1	Decreasing.....	827
1862-1866.....	5	Increasing.....	720
1867.....	1	Decreasing.....	1,012
1868.....	1	Decreasing.....	912
1869.....	1	Decreasing.....	914
1870.....	1	Decreasing.....	867
1871.....	1	Decreasing.....	916
1872.....	1	Decreasing.....	922
1873.....	1	Decreasing.....	1,017
1874.....	1	Decreasing.....	841
1875.....	1	Decreasing.....	1,093
Annual average, 1867 to 1875, inclusive.....			944

The number of these fires which were of incendiary origin are only given for the years 1855 to 1860, inclusive. They were as follows: 1855, 159; 1856, 100; 1857, 87; 1858, 90; 1859, 68; 1860, 110. The ratio of incendiary to total fires during this period was about 30 per cent. According to the New York insurance reports it is believed to be now over 50 per cent.

## MARRIAGES.

The correspondence between marriages and the price of bread-corn was shown statistically some forty years ago by the illustrious Quetelet. The following table shows the correspondence between marriages and the movement of the currency. Ohio is one of the few States of the Union in which social statistics are compiled under official authority:

TABLE D.—*Showing the number of marriages in Ohio.*

Year.	Movement of currency.	Marriages.
1859.....	Increasing.....	22, 671
1860.....	Perturbation.....	23, 106
1861.....	Decreasing.....	22, 251
1862.....	Increasing.....	19, 540
1863.....	Increasing.....	19, 300
1864.....	Increasing.....	20, 881
1865.....	Increasing.....	22, 198
1866.....	Increasing.....	30, 479
1867.....	Decreasing.....	29, 230
1868.....	Decreasing.....	28, 231
1869.....	Decreasing.....	23, 910
1870.....	Decreasing.....	25, 459
1871.....	Decreasing.....	24, 627
1872.....	Decreasing.....	26, 303
1873.....	Decreasing.....	26, 460
1874.....	Decreasing.....	26, 678
1875.....	Decreasing.....	27, 047

The population of the State of Ohio was, in 1850, 1,980,329; in 1860, 2,339,511; and in 1870, 2,665,260.

The decrease of marriages accompanying the diminution of currency which has gone on since 1866 is complemented by a corresponding increase of divorces.

## DIVORCES.

TABLE E.—*Showing the number of divorces in Ohio.*

Year.	Currency.	Divorces.
1866-1869, (average three years).....	Decreasing.....	1, 003
1870.....	Decreasing.....	1, 008
1871.....	Decreasing.....	1, 077
1872.....	Decreasing.....	1, 026
1873.....	Decreasing.....	1, 124
1874.....	Decreasing.....	1, 159
1875.....	Decreasing.....	1, 299

The above evidences of "hard times" are supplemented by the statistics of desperate and criminal acts, all of which have constantly diminished while the currency of the country was increasing, and increased while the currency was decreasing.

## HOMICIDES AND SUICIDES.

Table F.—*Showing the number of inquests held upon homicides and suicides in Ohio.*

Period.	Currency.	Homicides and suicides.
1858-1860, (average 3 years) .....	Increasing .....	144
1861 .....	Decreasing .....	190
1862-1865, (average 4 years) .....	Increasing .....	162
1866-1869, (average 4 years) .....	Decreasing .....	182
1870 .....	Decreasing .....	.....
1871 .....	Decreasing .....	122
1872 .....	Decreasing .....	211
1873 .....	Decreasing .....	206
1874 .....	Decreasing .....	219
1875 .....	Decreasing .....	261

## SUICIDES.

TABLE G.—*Showing the suicides in the city of New York.*

Year.	Currency.	Suicides.
1866 .....	Decreasing .....	52
1867 .....	Decreasing .....	76
1868 .....	Decreasing .....	98
1869 .....	Decreasing .....	102
1870 .....	Decreasing .....	101
1871 .....	Decreasing .....	114
1872 .....	Decreasing .....	144
1873 .....	Decreasing .....	118
1874 .....	Decreasing .....	.....
1875 .....	Decreasing .....	157

TABLE H.—*Showing the suicides in the city of Philadelphia.*

Year.	Suicides.	Average.	Currency.
1860 .....	.....	20	Perturbation.
1861 .....	.....	31	Decreasing.
1862 .....	14	22	Increasing.
1863 .....	24		Increasing.
1864 .....	20		Increasing.
1865 .....	31	38	Increasing.
1866 .....	44		Decreasing.
1867 .....	35		Decreasing.
1868 .....	29		Decreasing.
1869 .....	45		Decreasing.
1870 .....	25	47	Decreasing.
1871 .....	41		Decreasing.
1872 .....	48		Decreasing.
1873 .....	.....	59	Decreasing.
1874 .....	.....	68	Decreasing.
1875 .....	.....	.....	.....

## PRISONERS.

TABLE I.—*Showing the number of persons in prison in all the United States in June of each of the years 1850, 1860, and 1870, such being the periods at which the last three decennial censuses were taken.*

Period.	Movement of currency.	Population.	Persons in prison.
1850.....	Increasing.....	23, 191, 876	6, 737
1860.....	Perturbation.....	31, 443, 323	19, 086
1870.....	Decreasing.....	38, 558, 371	32, 904





SPEECH

OF

HON. JAMES W. NYE,

OF NEVADA,

ON

EXECUTIVE APPOINTMENTS AND REMOVALS;

DELIVERED

IN THE SENATE OF THE UNITED STATES, MAY 9 AND 10, 1866.

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WASHINGTON:

PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.

1866.



## EXECUTIVE APPOINTMENTS AND REMOVALS.

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The Senate resumed the consideration of the bill (H. R. No. 280) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1867, and for other purposes, the pending question being on the amendment of Mr. TRUMBULL, to add the following as an additional section to the bill:

*And be it further enacted,* That no person exercising or performing or undertaking to exercise or perform the duties of any office which by law is required to be filled by the advice and consent of the Senate, shall, before confirmation by the Senate, receive any salary or compensation for his services unless such person be commissioned by the President to fill up a vacancy which has happened by death, resignation, or expiration of term, during the recess of the Senate and since its last adjournment.

Mr. NYE said:

Mr. PRESIDENT: The question before the Senate, if my memory serves me, is on an amendment to a bill making appropriations for the Post Office Department. I think that a stranger, who had not been present at the time the amendment was introduced and discussed, would be at a loss to determine what the question under consideration was for the last two days. As was suggested by my friend from Oregon, [Mr. NESMITH,] most of the gentlemen engaged in the debate have got so far from the post office that it will trouble them to get their mails. [Laughter.]

As to the amendment proposed by the Senator from Illinois, [Mr. TRUMBULL,] I have no particular anxiety, and certainly no fears. It is a question that I am ready to vote upon. I am in favor of the amendment, because I have always believed since I have been able to reflect upon the question that the power of absolute removal and appointment should be limited. I have no particular fears, and I mention this to quiet the nerves of my apparently agitated friend from Wisconsin, [Mr. DOOLITTLE,] that the present President would abuse this function. I do not believe that the simple removal or appointment of an officer gives much additional strength to him, but I know from sad experience that it brings a horde of additional weaknesses.

I would not occupy a moment in this debate after it has been so long protracted were it not for the fact that I have been an ardent and earnest supporter of the Union party of this nation. I was born into the party that begot it, as early as the distinguished champion of all the Presidents, the Senator from Wisconsin. I entered this list in 1848, and the Senator from Wisconsin was with me in that early struggle.

Mr. DOOLITTLE. If the honorable Senator will allow me, I will state that I drew up in the convention at Syracuse, New York, and introduced the "corner-stone" on which the Free-soil organization of 1848 was founded.

Mr. NYE. It is quite likely that the Senator drew it, as he is the author of most good things, in his own judgment. Whoever drew it, or whoever introduced it, I believed it then and have ever since. As the Senator has drawn me into this point, he will pardon me for saying that there was a period when he slipped a little off the "corner-stone," in the State of Wisconsin, and was elected by the Democratic party a judge in that State.

Mr. DOOLITTLE. I desire to say to the gentleman that the Democratic party in the State of Wisconsin had adopted that corner-stone resolution as a part of its creed.

Mr. NYE. Quite likely, and it has not adhered to it much longer than the gentleman did. When I read that, knowing he was the author of the corner-stone, I asked myself the question that was asked Peter when the Saviour came from the garden and found him off guard, whether he could not watch with me one hour.

Mr. DOOLITTLE. I have watched almost twenty years for this, and fought for the victory, too.

Mr. NYE. I understand perfectly well the history and origin of the Union party, and its faithful servants. I say I should not have been drawn into this discussion now were it not for the sensitiveness that I feel in regard to the honor of that party. Sir, since the formation of parties in this country there has been no

party, and there never will be another, that has crowned itself with as unfading glory as the Union party of this nation. I admire all of its adherents, and the Senate will bear me witness that in the heat of all this debate I have not uttered one word prejudicial to the integrity, honor, or loyalty of the distinguished gentleman of whom my friend from Wisconsin appears to be the special guardian. I am going to watch, and while I watch I shall not forget to pray that he never may be guilty of that unpardonable error, that one unpardonable sin of bringing a wound or a stain upon the character of that party that has elevated him to the proudest position on earth. I am going to watch, not without anxiety, to see who brings the first wound upon this party that has saved the nation, and has given to the world a lively demonstration of the word that my distinguished friend from Pennsylvania [Mr. COWAN] said he had been looking for, liberty.

Having forgotten the principle he had forgotten also the name, [laughter,] and I was glad that he read an anti-slavery paper to find the word that he had been so long looking for, liberty. To him it was lost. I advise him to consult more the anti-slavery papers to refresh his memory upon the principles on which he was sent to this Senate.

Mr. President, it seems to be the especial charge of the Senator from Wisconsin to defend the President. One year ago last February I came into this august body, and the first speech I listened to was a speech from my distinguished friend defending Mr. Lincoln; the last one I have listened to is defending Mr. Johnson; and if the angel of death should spread his wings over the White House to-night and another President were to come in to-morrow, I suppose the first speech we should hear after that sad event would be one in defense of the incoming or the in-come President.

Mr. DOOLITTLE. Certainly, if he was right and was attacked.

Mr. NYE. I do not need any indorser.

Mr. DOOLITTLE. And I should defend the Senator from Nevada if he were unjustly attacked.

Mr. NYE. Thank you for that. Sir, there is something the matter, or my friends, from Pennsylvania and from Wisconsin would not be so nervous. There is some parting of old ties; there is something in the breeze that they snuff; there is something in the signs of the times that agitates them, for my oracular friend from Pennsylvania is never moved by usual breezes. As his colleague said, he was elevated above the breezes of the earth and shook the flag of some department here so high that the winds did not affect it. [Laughter.] Then, sir, it becomes us to inquire what is the matter. I have heard it rumored that the President was not acting in consonance with Congress. I presume that same rumor has reached the ears of his two distinguished champions here, or they would not be so ready in his defense. If

that be true, what is the reason? What has Congress done? Over and over again I have heard it reiterated—and my distinguished colleague chimed in beautifully the other day with that—that Congress had done nothing. Then the sin of Congress is the sin of omission, not of commission.

Now, I wish to ask my distinguished friend from Wisconsin a question. Did he expect, when this country was turned upside down, when it was upheaved in every part, that it would be quieted and settled by the word either of Congress or the President? When it has been tossed on the stormy billows of a tempestuous sea for four years, and when the storm that woke those billows had been gathering for thirty years or more, did my distinguished friend, who boasts so much of his faith, ever believe he could step forth upon those troubled waters and with a word speak peace and quiet to an upheaved continent? If his faith leads him up to that point, mine never has so led me. I have expected that long months and perhaps long years would be necessary to heal and cicatrize the wounds that this wicked rebellion imposed upon us; and whoever has dreamed that "my policy" or yours was to calm the troubled waters in a day has dreamed of a thing as impossible as for the Senator from Wisconsin to speak a world into existence.

Peace, said the distinguished Senator, is what the country wants and demands. Sir, peace, with all her beauties, was what we had when this wicked storm was evoked by spirits as devilish as they who heated the furnace seven times hot through which Meshach, Shadrach, and Abed-nego passed. They lighted the lurid torch of war. Were the Republicans to blame for that? My distinguished friend says, and no doubt truly, that he had the honor of making the first speech for the congressional amendment, though I have searched the Globe carefully and cannot find it; the index does not give it; but I ask him, had he any part in evoking this war? No. Had the Republican or Union party any part in it? No. They walked steadily forward in the pathway of constitutional right and elected a President in accordance with the provisions of the Constitution. I had labored with my friend from 1848 to produce that result, and often have I heard his eloquent notes—and when I say they were out in their full force anybody who was not within hearing it was not worth while to summon, for he was not within the jurisdiction of the court [laughter]—loud, sonorous, long, showing the wicked iniquity of the slaveholders, predicting with prophetic certainty precisely what would occur, that in the end if they would not listen to the charmer it would result in bloody war.

Sir, that war has come, by no aid, by no part taken by the Union party of this country. Who did do it? The rebels. My friend undertakes to show from the Baltimore platform that when



they had complied with a certain condition which he read, the war should be over. Sir, a platform is a kind of constitution for a party; it never goes into special enactments. I do not suppose that the Baltimore platform any more than the Chicago platform—if it is proper to use that expression now—attempted to settle the details and point out the manner in which this controversy should be settled.

And right here, sir, let me say, that my friend, in order to a successful defense of the present Executive, deems it important over and over again in this body to show that he is treading in the footsteps of his illustrious predecessor. Once for all I wish to say that Mr. Lincoln had no policy upon the reconstruction of these States based upon the condition of things when we mourned his untimely taking off. He had tried the Louisiana policy of one tenth of loyal men, and the result demonstrated that the policy of allowing one out of ten to govern a State was a fallacy. He was honest at the time in attempting to gather in from this wild waste of States some one that was loyal and would come back. The effort was laudable and commendable, but it failed. Beyond that, I assert, from the nature of things, that Mr. Lincoln had no policy. The shouts of rejoicing had not yet died away; this nation was literally intoxicated with joy over the surrender of the wicked foe; and while we were in the midst of this rejoicing, even his self-poisoned mind was incapable of framing and had not time to frame a policy upon the condition of things at the period of that surrender.

Sir, if I had any fault to find with the President, whom the Senator has so ably defended, it would be this: that having started out to establish what he called in his message an experiment, it has now become a settled policy, and whoever differs from that policy is regarded by him as alien from him and from the Union party. I have never come to the conclusion that all of the head or heart of the Union party was in one man. I have never had an aspiration to imagine how I would feel if I were President; but it seems to me that if I were, I should come here to this Chamber and to the other end of the Capitol, or send for them to come to me, the selected representatives of a great party, and see what it was best to do under the circumstances. I can pick twenty men in this circle who are not inferior in intelligence or less earnest or honest in their convictions than the President of the United States. I can point out twenty men in this circle who have kept their fingers upon every position of the Union party from the time it was born until it was victorious—men that have watched it and its interests while the present Chief Magistrate of this nation was denouncing its organization. I make no war with him on that subject. I thank God that if he is born again, it was not to oppose but to share in its glories; but above all men on this earth, he should be the last to tarnish its luster or weaken its power. I do

not say that he is going to do it, but there are a few suspicious circumstances.

My friend from Delaware, [Mr. SAULSBURY]—and I know he will pardon me for alluding to him—but a few months ago was hurling all manner of anathemas at Mr. Lincoln, and in doing so he honestly conceived that he was right. What has put a new song in his mouth when your President and mine is “pursuing exactly Lincoln’s policy?” The moment that I make rebels feel good with any political action of mine—and I have no reference to my friend from Delaware—I shall think that I have done something wrong.

Sir, the day has not arrived when the chief executive officer of this nation constitutes the nation. I read in my younger days, with some satisfaction, that that the Congress of the United States was the breathing, vital, living power of this nation, that spoke laws into existence and blotted them out; that it was a selection as well chosen in other States as in Wisconsin, where their ablest men were selected to come here—for what? To do as the President tells you, so help you God? No, sir; I never took any such oath, and do not intend to do so; but to come here and frame such laws as the interests of the hour demand.

Now, suppose this question before it had been agitated here at all had been put to the plain, simple people who sent us here, and the question had been asked of them, where is the power that is to rebuild these waste places and heal these breaches that have been made? In their simplicity they would have answered, “The power lies in the law-making authority, in the Congress of the United States.” They have no more respect for a President’s policy than they have for the Senator from Wisconsin’s policy—both ardent, both devoted, both faithful. The Senator has declared his policy. His people reject it. All I ever want, in order to find out what the judgment of the people is upon any question, is to get a dozen men together in a neighborhood and talk to them, and they will tell you what the judgment of the whole community is. There were more than a hundred men congregated in the Legislature of Wisconsin, and their deliberate judgment is, by a resolution that they passed, that the Senator does not represent the wishes of the people of that State. If that be true of the Senator from Wisconsin, it is certainly true as it regards the policy of the President of the United States, for their policy is identical. Be it true or false, I think there is a propriety in consulting this body in regard to this great question.

Sir, there is scarcely a man within this circle but wears the outward badge of mourning for victims immolated upon the altar of this accursed rebellion; and the signs of outward woe are but a faint representation of the more indescribable and heartfelt sorrow within. It seems to me that the signs of the times and the exigencies demand that no man should rear a policy not subject to amendment, not subject to



consultation with others, and make it like the bed of Procrustes, of a certain length and certain width, upon which all must lie, or fall under the ban of executive power. I do not know how others may feel, but I should not dare to go back to my mountain people and tell them I had been mute here when I saw such an attempt made.

Sir, neither the Senator from Wisconsin, nor the Senator from Pennsylvania, nor any man with brains, has a right to complain of the tardiness of Congress. Rebellion in its worst and most aggravated form has shaken the very pillars of our institutions to their base. I tell the Senator from Wisconsin now, and he will find it to be the truth, that the frosts of ten more winters will gather upon his brow ere this chasm is healed and perfected and closed. "Take back the States." Certainly we will. When? Just as soon as it is safe to take them back. Does the Senator from Wisconsin, the advocate of the "policy of the lamented Lincoln," mean to tell us that his policy was to take back unwashed, red-handed rebels into the power of this Government? He shakes his head. He dare not say it.

Mr. DOOLITTLE. I will say to the honorable Senator that neither Mr. Lincoln nor Mr. Johnson—

Mr. NYE. Do not be too fast. I would have excused you if you said no. I will come right along to Mr. Johnson in a moment.

Mr. DOOLITTLE. I desire to say in relation to that point, if the Senator does not wish to misrepresent me, as the charge has been made again and again that I am for the admission of rebels, that it is not so. All I claim is that the loyal representatives from these States shall be admitted.

Mr. NYE. Sir, who are rebels?

Mr. DOOLITTLE. I say the men who come here who are loyal, who can take the oath prescribed by law, should be admitted.

Mr. NYE. Will the Senator from Wisconsin answer me one question: who are rebels?

Mr. DOOLITTLE. If the Senator desires an answer I will give it.

Mr. NYE. Yes, sir, I do.

Mr. DOOLITTLE. Rebels, as a matter of course, are those who have adhered to this rebellion against the Government of the United States.

Mr. NYE. I thank the Senator for his definition. Then they are all rebels. That is just what I was going to assert, and it will have a double force indorsed as it now is. They being rebels, give me the evidence of their repentance. What is that evidence? Not a paper comes from the South, and not one of these pilgrims here who are seeking to get the evidence in their pockets to enable them to enroll their names upon the muster-roll of American infamy, but is as loud-mouthed as the Senator from Wisconsin in denouncing the action of Congress. They do not return as the prodigal

son returned, and say to this nation, "I have sinned against thee and in thy sight, and am no more worthy to be called thy son; let me be as one of thy servants." They come up here in the same spirit that they left. They demand that the doors of the Senate of the United States shall be thrown open to them, and the seats newly cushioned, as a reward for their infamy, their treachery, and their indescribable cruelty.

Sir, I am not to be driven from the honest discharge of my duty here by an appeal to any man's policy. My people commissioned me to come here to guard against a repetition of this wicked rebellion, and though the moon may twelve times fill her horn before it can be done, yet faithfully will I sit here and guard the very portals of the temple against the admission of men who only await another opportunity, by adopting another set of tactics, to hurl this temple of liberty and freedom down. Sir, it is little more than a year since Lee's army surrendered. If I had been going to adopt a policy, I would have hung some rebels first before I granted one pardon. Would not you? [To Mr. DOOLITTLE.] Upon that point, and to show exactly what the now President of the United States thought of the Baltimore platform and its duties, I desire to read an extract from the speech that he made at Nashville accepting that nomination. After the eulogy that the distinguished Senator passed upon the talent and honesty of the President, I trust he will not undertake to say now that the President did not understand that platform as well as he does. He said:

"And let me say that now is the time to secure these fundamental principles while the land is rent with anarchy and upheaves with the throes of a mighty revolution. While society is in this disordered state and we are seeking security, let us fix the foundation of the Government on principles of eternal justice which will endure for all time."

I join the distinguished President in that sentiment; and that is the labor of this Congress, to fix these principles upon a basis of eternal justice that shall abide for all time. Does the distinguished Senator from Wisconsin mean to assert here that the principles of eternal justice would be subserved by permitting the men whose hands are red with the destruction of this Government to come back here to legislate?

Mr. DOOLITTLE. Certainly not. I have said a hundred times over that only loyal men should be admitted.

Mr. NYE. I am very happy to hear that the Senator agrees with me, and if he will keep agreeing with me I will get him right after awhile.

Mr. DOOLITTLE. I will say to my honorable friend that as far as Mr. Johnson has spoken, to my knowledge, he has never intimated that one of these rebels should be admitted here. The charge is unfounded.

Mr. NYE. I am happy, then, to agree with the President of the United States and his dis-

tinguished indorser. Harken a little further. Again he says:

"But in calling a convention to restore the State, who shall restore and reestablish it? Shall the man who gave his influence and his means to destroy the Government? Is he to participate in the great work of reorganization?"

Right there I want to call the attention of the Senator from Wisconsin to the attitude of things now. I assert that none others have attempted to form a State government except the men who come within this description, who, the President says, should not share in it. That being the case, what does he mean when he talks to us about passing laws here for States that are without representation when they are taxed? Does the Senator mean that in order to impose taxation upon these rebels they must necessarily have rebel representatives here? Who ever heard of a criminal sitting on his own jury? These men have been engaged with the strong hand of arms in tearing down this temple of freedom and of liberty, and who ever heard of rebels being consulted about the way the temple should be built up that they had attempted to destroy? Sir, the whole thing is in such confusion that I can see through it. I agree with the President that none of these men should be here; but who come here?

Mr. CONNESS. Worse than that; who send them here?

Mr. NYE. Who come here? I am something of a Yankee myself, and you judge the package by the sample article outside; and as a sample of one of these reconstructed States comes this lean, lank, cadaverous Cassius-looking Stephens, [laughter,] who has got treason in every lineament of his face, and never laughs. Who sent him? Loyal men, do you think? Was he, the second in command of this most wicked rebellion, sent here by loyal men? Sir,

"Can such things be,

And overcome us like a summer's cloud,  
Without our special wonder?"

O consistency, what a jewel! Alexander H. Stephens as a sample article for loyalty! He believes, as he swears now, in that mother and parent of secession, the doctrine that my friend has become the distinguished champion of—State rights. I had hoped that that ghost had disappeared with the rebellion. He swears that he believed, and his people believed, and believe now, in the right of the States to secede; and yet the distinguished Senator from Wisconsin comes here and tells us that they accept the issue, and reads a letter from Tarbell, whom I have known longer than he has, from Smithfield, Chenango county, and whose judgment is not worth as much as the Senator's. Tarbell against Stephens! Tarbell must go down, of course, for Stephens is the honored representative of a loyal State!

But again, sir, treason is odious and must be punished. Will the Senator from Wisconsin tell me how he proposes to punish it?

Mr. DOOLITTLE. I will, if the Senator will allow me to answer.

Mr. NYE. Certainly.

Mr. DOOLITTLE. Sir, six months ago I introduced a bill, which I had hoped long ere this would have been a law, providing for the obtaining of juries in criminal cases in United States courts, which was referred to the Committee on the Judiciary, and has been reported by them, but has not been acted upon—a bill which provides that when jurors are summoned by the courts they shall not be declared incompetent by reason of opinions formed upon history or newspaper reports. I will state to the Senator another thing on that point. The Supreme Court holds that a civilian or a man not in the Army cannot be tried by a military commission.

Mr. HOWARD. I do not understand the decision to go so far.

Mr. DOOLITTLE. The decision goes to just that length. We have got to try them in court and by a jury; and so far as the President is concerned, the published documents which we have seen show that he has made an effort to have a court held where Davis could be tried for treason.

Mr. NYE. That answers the question; and the bill that the Senator introduced was in fact supplemental to aid in their being acquitted if they were tried. I read that bill with some care. Will you go down to Virginia and find twelve men who did not sympathize with this rebellion, and who would take the oath and say they were not prejudiced by these newspaper opinions? Not at all. Their minds are made up that no crime has been committed. Sir, somebody has been at fault; treason has not been made odious; or we must acknowledge the infirmity of our Constitution and laws to punish treason. There is not a hamlet in the State of the Senator but what demands that treason shall be made odious.

But, sir, the delay in passing the bill of the Senator from Wisconsin has about done away with the necessity for its application, because they are almost all pardoned, and those who are not are being pardoned every day. The men who have saved their twenty thousand dollars out of the general wreck, and given the balance of their fortune to tear down this Republic are, as we learn from every day's report, and in every newspaper, receiving executive pardons. The clerk told me the other day there were three hundred thousand applications for pardons, and if you take three hundred thousand of these twenty thousand dollar men that are left, you need not trouble yourselves much about the balance.

Mr. DOOLITTLE. I will ask the Senator how many, in his judgment, ought to be tried and executed.

Mr. NYE. I shall be entirely satisfied, under the present circumstances, if you try one.

Mr. DOOLITTLE. Then let us pass that bill, so that we can have a jury, and no difficulty in trying a man in any State.

Mr. NYE. Does the Senator from Wisconsin



mean to stand here and say that it needs the passage of a bill or any new law to convict a rebel that has declared himself one in this country—an *ex post facto* law, that the gentleman or his coadjutor has talked so wisely about to-day?

Mr. DOOLITTLE. If the Senator will allow me on that point, this bill is simply in relation to the qualification of jurors; it is not an *ex post facto* law, and not liable to any objection of that sort.

Mr. NYE. And I repeat, it is a bill to aid in their acquittal.

Mr. DOOLITTLE. That is not true.

Mr. NYE. I say in its effect. I do not say you intend it, by any means.

Mr. DOOLITTLE. It has no such effect, either. If the Senate and House of Representatives will pass it, there will be an opportunity to see whether a man can be tried.

Mr. NYE. There is where the Senator from Wisconsin—

Mr. DOOLITTLE. These charges—

Mr. NYE. I believe I have the floor.

Mr. DOOLITTLE. I do not wish to interrupt the Senator, but this conversation seems to be going around.

Mr. FESSENDEN. I call the Senator to order.

Mr. NYE. I have a right to say that in my judgment that bill, if it should pass, while I charge no such intention upon its author, would be a bill that ought to be entitled "A bill supplemental to aid in the acquittal of traitors." I assert a thing that cannot be gainsaid. There has not been any efficient effort to make treason odious. Has there? Where is C. C. Clay to-day—a man who was charged, and it was reported upon proof ample to hold him, as a *particeps criminis* in the assassination of Lincoln—a name that I need only mention when an army of associations cluster around him that I cannot describe. Where is Clay? Paroled; which means discharged. Where is Davis? *Pro formâ*, in prison; visited by the officers of this Government; with family associations all clustering around him; and let me inform the Senator from Wisconsin, he, too, will be paroled before he is tried. Where is the attempt at the fulfillment of that guarantee that treason should be made odious?

Mr. President, I do not want blood; I am a man of peace; and I believe I have as much of the welling up of humanity in me as the distinguished Senator from Wisconsin. I never saw a man in trouble but I sympathized with him. But, sir, above all these sympathies here is reared a standard of eternal justice. I called upon the President this morning, with a friend from central New York, to ask him to pardon a man who had served out a part of his time for passing two fifty-cent counterfeit currency pieces. He was not pardoned when I left. Whether he will be or not I do not know. But where is the justice of that Government, where slumbers its sense of justice, that would incarcerate a poor man for passing one dollar's worth

of its coin that is counterfeit, and sets these men whose skirts drip with loyal blood at large? Away with such an administration of justice! It is an outrage upon the sacred name of justice.

Sir, treason has not been made odious, nor will it be. Is treason made odious when right under the very guns of our Army, in a captured city, the city of Mobile, toasts are drunk to the pirate Semmes—let it not be said that I call him a hard name; it is the name designated by the law; the name written in heaven and on earth—and the President of the United States in the same sentence or at the same sitting? There is not a traitor on the face of the earth but would court such odium as that.

But let me call the attention of the Senate to another thing. In this city to-day walk men who have trod the fiery furnace of affliction as Union men from 1861 until the rebels laid down their arms at Richmond. They are starving, begging for employment, while men who were baptized early into this rebellion and who have been engaged in it throughout are holding offices of power and emolument in this country. We are told that Union men cannot be found to fill them. Let me tell the Senator from Wisconsin and those who say that, I can find you one hundred thousand maimed soldiers of this Republic who will go there and fill those offices with honor to themselves and fidelity to the Government. Why look for jewels in a toad's head? Why look for men fit to hold offices among those who are yet reeking in the very smoke of the rebellion, and whose only regret is that they failed in the attempt? That is not making treason odious. That kind of odium breaks down the amenities of society and makes Union men seek shelter in the caves and the recesses of the mountains.

My distinguished friend from Wisconsin has pointed forward to the day when he shall meet his people in judgment on this question, boasting in his own strength. Let me tell the Senator that there is a more potent power than the human voice, a more pungent teacher than stump speakers; and it is the irresistible and resistless power of truth. It finds a lodgment in every hamlet, around every hearth-stone, and in every heart. Let no man hereafter presume to trifle with the just demands of the American people. They bring judgment to the question. They are hewing their way through the difficulties that surround us, and the men who do not hew with them, they will hew down.

Sir, we have been educated in the deepest and bloodiest calamity. Every hearth-stone has a tongue, more eloquent than senatorial tongue, that tells a story of the outrages and the wrongs of this rebellion. Everywhere the people cry out against the "deep damnation of the taking off" of the immortal Lincoln. Everywhere they demand that their servants shall step to the music of the necessity of the hour. He that falls back will be a straggler and lost. Sir, the party is not behind; the

Union party is going to meet it; it is the party that is in the advance.

My distinguished friend from Delaware the other day said he rejoiced the time had come when the Democratic party could hang out their banners upon the outer wall. That is what ails you. You hang them out, and the people look for the old stars and stripes and do not see them. They see too many stars and bars. Keep your banners in if you want to win, for the moment you hang them out upon the outer wall, it is an advertisement to the world that there is danger of the devil's return to rule. [Laughter.] Keep your banners in.

[Mr. NYE here gave way for a motion to adjourn.]

THURSDAY, May 10, 1866.

The Senate having resumed the consideration of the same subject—

Mr. NYE said:

MR. PRESIDENT: When the Senate adjourned last evening I was paying a passing respect to a remark made by the Senator from Delaware [Mr. SAULSBURY] in a speech on this question some days ago. But, sir, I propose now to return to the Senator from Wisconsin [Mr. DOOLITTLE] and the Senator from Pennsylvania [Mr. COWAN] for the purpose of determining whether they or others stand upon this Baltimore platform. The honorable Senator from Wisconsin says that no power on earth shall drive him from it; whether besieged by Radicals on the one side or by Democrats on the other, there he is to stand, and stand forever; and I understand the Senator from Pennsylvania to occupy the same attitude upon that platform. If that platform is large enough, if there is any room for others, I propose to stand there with them for awhile, until they push me off or they leave it. This Baltimore platform was the political direction, the scriptural direction—if such a term is applicable to politics—upon which the last battle was fought and won, and I propose to hang to it. It was said by a distinguished member of the Cabinet not long ago that in these flurries and gales some few would be washed overboard and some left. I propose to weather this gale by standing upon the deck of the Baltimore platform. In examining this platform, sir, you will find that it contains two very important provisions, and the first is the most important:

"Resolved, That it is the highest duty of every American citizen to maintain, against all their enemies, the integrity of the Union and the permanent authority of the Constitution and the laws of the United States;"—

I understood the distinguished Senator from Pennsylvania to say that the Democrats had got on to that portion of the platform. I trust that no power on this side will be exercised to drive one of them off. If they have been converted by the distinguished Senators from Pennsylvania and Wisconsin, so that they are content to stand upon that, it is a new era in their political history, one that will be noted with

great favor as an instance of the wonderful power of the two Senators who have wrought the change—

"and that, laying aside all differences and political opinions, we pledge ourselves as Union men, animated by a common sentiment and aiming at a common object, to do everything in our power to aid the Government in quelling, by force of arms, the rebellion now raging against its authority, and in bringing to the punishment due to their crimes the rebels and traitors arrayed against it."

That, sir, is the great cardinal principle of the Baltimore platform, and to every line and word of it I most heartily assent. It declared it to be our duty to maintain the Union, the Constitution, and the laws against all their enemies; but our Democratic friends did not see it in that light; they did not agree—and I refer to that portion of them who are now acting with the two distinguished Senators with whom I am holding this controversy—they did not agree then to that sentiment. If they did, that other convention which they now, with me, wish had never been held, at Chicago, would never have taken place. This platform, by the cogency of its reasoning and the potency of its argument, commanded the support of a large majority of the Union-loving men of this country. They had ascertained—and I congratulate the members of that convention, for I understand my friend claims to have taken a distinguished part in it—that the rebellion had reached that point where nothing but the force of arms could put it down; and the Baltimore convention pledged themselves to the country that no other weapons should be used, and when it was put down it followed as a sequence, in the just judgment of the members of that convention, that "the punishment due to their crimes" should be "awarded to the rebels and traitors arrayed against it."

Mr. President, the distinguished Senator from Wisconsin three times thanked God during his speech that Andrew Johnson existed and held the office that he does. I shall three times three times thank God if he carries out the provisions of the Baltimore platform as expounded by himself. I suppose one reason for thanking God was the clear vision with which he saw his duty; and I am going to read now his own understanding, when that platform was fresh before him, of its meaning; and either President Johnson entirely misunderstood its meaning then or the distinguished Senator from Wisconsin does not interpret it truly now. In accepting the nomination for Vice President of the United States, Mr. Johnson said:

"The question is whether man is capable of self-government. I hold, with Jefferson, that Government was made for the convenience of man, and not man for Government. The laws and Constitution were designed as instruments to promote his welfare. And hence from this principle I conclude that Governments can and ought to be changed and amended to conform to the wants, to the requirements, and progress of the people and the enlightened spirit of the age."—*Savage's Life and Public Services of President Andrew Johnson*, page 293.

Sir, I hold that as the announcement of a



great and living truth. I do not suppose that it ever entered into the heads or hearts of the framers of that glorious instrument, our Constitution, that it was never to be altered, amended, or changed to meet the wants and exigencies of a progressive and advancing people. If it has so entered into the heart of my distinguished friend from Wisconsin, why does he boast now of being the foremost and first advocate of amending that instrument so as to keep pace with the progress of the times? So far, then, I indorse most cordially that sentiment which seems to be in union with the music of the times. But to proceed:

"And let me say that now is the time to secure these fundamental principles, while the land is rent with anarchy and upheaves with the throes of a mighty revolution."

What greater truth could be announced than that? And the Senate will remember that this is all under the authority of the Baltimore platform, as understood by its expounders.

"While society is in this disordered state, and we are seeking security, let us fix the foundations of the Government on principles of eternal justice which will endure for all time."

Most heartily do I, ranking among the radicals of this body—and I venture to speak for all who are thus designated—indorse the sentiment of the President of the United States.

"But in calling a convention to restore the State, who shall restore and reestablish it?"

A pregnant inquiry; and he answered it:

"Shall the man who gave his influence and his means to destroy the Government? Is he to participate in the great work of reorganization? Shall he who brought this misery upon the State be permitted to control its destinies? If this be so, then all this precious blood of our brave soldiers and officers so freely poured out will have been wantonly spilled; all the glorious victories won by our noble armies will go for naught, and all the battle-fields which have been sown with dead heroes during the rebellion will have been made memorable in vain."

Again let me pause to give in my most cordial and hearty adherence to that doctrine.

"Why all this carnage and devastation? It was that treason might be put down and traitors punished. Therefore I say that traitors should take a back seat in the work of restoration."

Again let me say that I most cordially concur in that; and that is the question that is now really under discussion. Let the traitors take a back seat, said the President. Sir, that sentiment was echoed from every hill-top and through every valley of this nation. So said Congress then, and so says Congress now. "Traitors to the rear," according to the order of the Commander-in-Chief. The Commander-in-Chief of the Army and Navy orders you to the rear; and why does the Senator from Wisconsin beckon them forward? "Traitors to the rear; back seats;" is the order of the Commander-in-Chief of this great nation.

"If there be but five thousand men in Tennessee loyal to the Constitution, loyal to freedom, loyal to justice, these true and faithful men should control the work of reorganization and reformation absolutely."

Will the distinguished Senator from either

of the States I am now addressing tell me why these men should be allowed to partake in the great work of reconstructing all these States when Mr. Johnson at that day said they should not be allowed to aid in the work of reconstruction in a single State? This was carrying out the spirit of the Baltimore platform. He went upon the doctrine that "while the letter killeth, the spirit maketh alive." He had drank what the distinguished Senator from Wisconsin, from his remarks made upon it, seems never to have tasted, the spirit of the Baltimore platform; and speaking in that spirit he declared, "Traitors to the rear; back seats; you shall not be allowed even to aid in reconstructing Tennessee, though there be not five thousand loyal men in the State." Exactly right was the President then. Around that little nucleus, charged with the spirit and living fire and zeal of the glory of our institution, would have gathered and clustered an army of Union men as resistless in its march as the army of the Potomac when led by Grant. But, sir, in an evil hour—and I propose to turn the Senator from Wisconsin exactly to the point—that doctrine was departed from, and I shall examine now with entire fairness what I think led to the departure from that doctrine.

Sir, I am not through with this oracle. To what I shall now read I call the attention of his distinguished champions here:

"I say that the traitor has ceased to be a citizen, and in joining the rebellion has become a public enemy."

So say I; so says every fair-minded man, that the traitor ceased to be a citizen; and in addition, so says the voice of the intelligent world; so says the law, before whose majesty the distinguished Senator from Pennsylvania bows with such respectful deference always. Sir, that enunciation was from the very fountain of truth. It welled up; it was the gushing of an honest-spoken sentiment, and it received an echo everywhere on this continent. What, sir, has it come to pass in fact that a man can be red-dyed with treason one day and washed as white in the waters of loyalty as the lamb the next? Away with reading your miraculous conversion of Paul! Sir, that miracle would cease to be quoted if this theory were adopted here—a miracle in view of Almighty power, a miracle in view of the just understanding of mankind, a miracle in the eyes of justice, and an overthrow of every principle of law. What did he mean by this? He said to traitors, "Your garments are red with the blood of treason," and he gave the same direction that was given by Elijah to the proud prince of old, "Go wash seven times in the waters of Jordan, and be healed." So I say to these traitors, go wash seven times seven in the waters of loyalty, and be cleansed.

But, Mr. President, I am not quite done with this speech:

"I say that the traitor has ceased to be a citizen, and in joining the rebellion has become a public



enemy. He forfeited his right to vote with loyal men when he renounced his citizenship and sought to destroy our Government."

Sir, human lips never uttered a more striking truth than that. That again awoke an echo in every heart, and raised and elevated the world's hope. Was it true then? If so, it is true now, and will remain true through all coming time. But I am not quite through:

"We say to the most honest and industrious foreigner who comes from England or Germany to dwell among us and to add to the wealth of the country, 'Before you can be a citizen you must stay here for five years.' If we are so cautious about foreigners who voluntarily renounce their homes to live with us, what should we say to the traitor who, although born and reared among us, has raised a pariahal hand against the Government which always protected him?"

If language is to be understood at all in its usual signification, that means this, and no more, that no man who had been engaged in this treason should have a less probation than the foreigner. So say I, and so says Congress.

"My judgment is, that he should be subjected to a severe ordeal before he is restored to citizenship."

So said an afflicted continent; and to what ordeal has he been subjected? I speak what is patent to the world, and what is recorded history to-day, when I say that the only ordeal to which he has been subjected is to have been under the special charge and kind care of a most indulgent and magnanimous Administration. Who would have believed from these utterances that Lewis E. Parsons would have been made provisional governor of Alabama—a man who partook, in the darkest hour of our trials, in the legislation of the State of Alabama, introducing resolutions which I had here the other day in my hand denouncing in the most unmeasured terms the loyal citizens of this country? And yet the ordeal to which he was subjected was to receive a commission to go down and be doctor-in-chief of a disease which he had diagnosed most thoroughly, rebellion, treason. He knew every bone, artery, fiber, vein, that pervaded it, for he had treated every one of them. Oh, what an ordeal that was to pass! And a severer ordeal still was to receive his salary for it, out of money that you and I are taxed to pay, and that, too, without taking the prescribed oath by Congress! Oh, how Parsons must have suffered! What a change in "my policy" from before till after election! I have no doubt, however, that the distinguished Senators to whom I am addressing the most of these remarks will be able to explain it. [Laughter.]

"A fellow who takes the oath"—

I beg the Senator's attention to this—

"A fellow who takes the oath merely to save his property, and denies the validity of the oath, is a perjured man, and not to be trusted."

He knew of what manner of men he spoke. So said the President of the United States; and, remember, all this time he was accepting the Baltimore platform as his guide. Now,

there is a change, whether for the better or the worse we shall see by and by.

"Before these repenting rebels can be trusted let them bring forth the fruits of repentance."

Amen. That is precisely what Congress has said all the time: bring forth fruits meet for repentance; come here in a spirit of repentant submission; come here as the sinner should come; come as the felon should come; acknowledge your crime, and though your sins be as scarlet we will make them white as snow. Is that the way they come? No, sir. The distinguished Senator from Kentucky [Mr. Davis] told us the other day what he would do if he were President; he would call up *pro forma* the rebels who have been elected to Congress, and if he were President he would regard them as such. We who echo every sentiment which I have read are to be driven from these Halls to make room for these anything else than repentant rebels. Their second state is worse than their first. I know not whom that distinguished Senator echoes, but I have seen in nearly every print of the South, I have read in prints in this city recommendations that this high priest should dispose of this "irregular" Congress, that have no better indorsement than a loyal people, to make room for those whose skirts smoke now with the blood of this rebellion. I know not what may come. I entertain no particular fears for myself. If that issue come, let it come, and an outraged people will settle the question very quickly. Sir, if the votaries of treason have not had victims enough, let them invade these Halls and victimize the representatives of a great people. They are, it seems to me, more voracious than the grave, more unsatisfied than the horse leech's daughter that cried "Give," "Give," till there was no more to give. They are not satisfied with passing by the countless new-made graves; they demand additional victims here; that this Hall, so sacred in the recollections and in the history of the country, shall be made to run with loyal blood to make room for those who but yesterday were trying to tear down its pillars.

Can an American Senate long discuss such a question? Has it come to this, that members sitting here with the high commission of a loyal people are to be threatened, and upon this floor, with an exercise of that power which would have made Nero blush to utter its name? Let it never be uttered here again; but I repeat, if liberty and freedom demand that further sacrifice, your victims are ready.

Sir, the sentences and utterances which I have read were the expressions of the now President of the United States just before the election. These utterances, these expressions, were like an electric touch to the wire; they electrified the whole community, and he was borne upon the shoulders of as loyal a people as ever breathed to the highest place of power on earth, borne there by the exertions of many

of the members of this circle. But I am not quite done with this speech :

"He who helped to make all these widows and orphans, who draped the streets of Nashville in mourning, should suffer for his great crime. The work is in our own hands."

What work? To make them suffer. The work of making the rebels suffer, said the President, is in our hands. That portion of the work, if done at all, has been done so as not to excite the observation of the world. Who suffers? I will tell you, Mr. President who suffers; it is those who are fleeing from the presence of the unwashed rebels. This work is in our hands, said the President; he falters in it; Congress proposes to take up the work and do it without him. I ask the Senator from Wisconsin whether any of the rebels have suffered since the war.

"Ah! these rebel leaders have a strong personal reason for holding out."

What reason?

"To save their necks from the halter."

Why, sir, the hemp is not grown yet, nor sown, that will hang a rebel in this country. They held out and they are not hung. They held out longer than they ought to have done, and they have gone longer without hanging than they ought. So says an intelligent world, and so said, above all, the President himself. He said further—

"Treason must be made odious, and traitors must be punished."

I have often heard that quoted; but he did not stop there.

"Treason must be made odious, and traitors must be punished and impoverished."

That is a thing that hurts the traitor worse than anything else, to impoverish him. Where is the traitor that has been impoverished? What does impoverishing mean? It means confiscation. There has been none of that of any consequence that there was not a respectful obedience by the authorities of this country in returning the property to its much abused rebel owner! What, sir, return their property to the rebels when the great high priest of this Union party declared that they must not only be punished but impoverished! Why is not that promise kept? Sir, I do not ask that question alone; it is the voice of millions; why has not that promise been kept? Let him who made it answer, or his friends for him.

"Their great plantations must be seized, and divided into small farms, and sold to honest, industrious men."

Where is the great plantation that has been sold and divided among honest men as contradistinguished from its former owners? The Senator from Wisconsin when he replies will probably tell us where these confiscated estates are, and where these honest men have found homes on these cut up plantations.

"The day for protecting the lands and negroes of these authors of rebellion is past."

So said President Johnson. If he spoke

prophetically, it has not turned out as he prophesied. Then he is no prophet. If he spoke by virtue of the power that was about to be conferred upon him, I think he has not exercised it.

Now, to every one of these living, breathing announcements, Congress says, amen. Then what is the occasion of any difference between the President and Congress? I venture to assert that I have not read in this whole speech a declaration that every member of this body who pretends to be loyal will not respond to as true. Remember, too, that all this was said under and by virtue of the Baltimore platform; said by this intelligent man when he accepted the nomination under that platform.

"The day for protecting the lands and negroes of these authors of the rebellion is past. It is high time it was."

I shall be pardoned for saying I think so too. It was high time that protection to rebels should cease. What have they done since to entitle them to the confidence of an outraged people? Let the history of the times answer. He next proceeded to give some Union officers what I have no doubt was a truthful reprimand :

"I have been most deeply pained at some things which have come under my observation. We get men in command who, under the influence of flattery, fawning, and caressing, grant protection to the rich traitor, while the poor Union man stands out in the cold, often unable to get a receipt or a voucher for his losses. The traitor can get lucrative contracts, while the loyal man is pushed aside, unable to obtain a recognition."

Then the President had on a holy glow of indignation at such outrages as these, and most properly; he spoke as became a man of feeling. It was an outrage; it is an outrage. Has it been changed? Go to the mountain gorges of Tennessee, and see the fresh-made tracks of the fleeing fugitives, the Union men, from the fury of their pursuers, the traitors. Who hunts the pursuers? No one. I therefore reiterate this same complaint on behalf of the fleeing fugitives who loved their flag better than their State, who are now finding homes at the sources of the rivers and in the gorges of the mountains. Far distant are they; but I stand here on their behalf to maintain the fulfillment of this promise. It is due to the dignity of this nation; our dignity demands it, and the people will have it.

I am now through with the particular speech from which I have been reading, but a little later, on the 24th of October, 1864, the present President's gushing heart gave forth other utterances. He was called upon by a few returning braves who represented a regiment which had been thrice recruited, because it had been thrice decimated in battle, a regiment of colored soldiers, and he addressed them thus:

"Negro equality, indeed," cried he; "why, pass any day along the sidewalk of High street, where these aristocrats more particularly dwell—these aristocrats whose sons are now in the hands of guerrillas and cut-throats who prowl and rob and murder around our city—pass by these dwellings, I say, and you will see as many mulatto as negro children, the former bear-



ing an unmistakable resemblance to their aristocratic owners. Colored men of Tennessee, this, too, shall cease."

He changed the entire color of the African race in Tennessee from that day, by order. [Laughter.]

"Your wives and daughters shall no longer be dragged into a concubinage, compared to which polygamy is a virtue, to satisfy the brutal lust of slaveholders and overseers. Thenceforth the sanctity of God's holy law of marriage shall be respected in your persons, and the great State of Tennessee shall no more give her sanction to your degradation and your shame."

And having, in language which you all remember, promised to be their Moses, he added:

"I speak now as one who feels the world his country and all who love equal rights his friends."

What a pinnacle of exaltation that must be! I almost envy him who stands on it. Standing on it he would be expected to speak words of encouragement to these men:

"I speak, too, as a citizen of Tennessee. I am here on my own soil; and here I mean to stay and fight this battle of truth and justice to a triumphant end. Rebellion and slavery shall, by God's good help, no longer pollute our State. Loyal men, whether white or black, shall alone control her destinies; and when this strife in which we are all engaged is past, I trust, I know, we shall have a better state of things, and shall all rejoice that honest labor reaps the fruit of its own industry, and that every man has a fair chance in the race of life."

Sir, I often envy men when they seem to speak from this high exaltation. I have sometimes tried to reach it; but my wings are too feeble. The sentiments, however, that drop from such an exalted position make a deep lodgment in my heart. These utterances gave to a nation, white and black, needed words of encouragement; and the downtrodden slave breathed freer and deeper as these utterances were echoed to him. Congress, full of this inspiration—my distinguished friend from Illinois [Mr. TRUMBULL] first catching it—passed a bill to establish a Freedmen's Bureau to give power to carry out and perfect the essence of this exalted sentiment. The President, I need not say, refused to sign it. My distinguished friend from Wisconsin came panting in here one day in a hurry to say that if he had been present on the question of the passage of that bill he would have voted for it. I mourned over his disappointment that he could not have recorded his vote for so holy and righteous a measure. The distinguished Senator from Connecticut [Mr. DIXON] shared in the early glory of having voted for it. That little parchment came back; and where then were the regrets of my distinguished friend from Wisconsin? His disappointment had fled. Where then was the gushing sympathy with this immortal sentiment uttered by the distinguished Senator from Connecticut? When that dread question came, Shall this bill become a law notwithstanding the objection of the President? up went Wisconsin, or half of it, half of Connecticut, half of Pennsylvania—

Several SENATORS. The whole of it.

Mr. NYE. Well, one is always one way any-

how. My friend BUCKALEW is always wrong, or right, as may be the case. From that fearful flight, I am sorry to say, these gentlemen have never returned as they appeared when they left; they are changed men; they do not fraternize with those whom they used to fraternize with, but have made their beds constantly with new companions. How dare the Senator from Wisconsin and the conscientious Senator from Connecticut go back to these holy sayings of their President? What excuse can they give? The principal excuse was, I believe, the cost of the measure. Who ever expected that four million people who for centuries had bowed their necks to degradation could be lifted up to the platform of human equality and not have it cost something? Sir, whenever the time comes when I weigh a benefit to my fellow-man against dollars and cents I shall probably vote as they did. It will not do. The Freedmen's Bureau bill was killed, and it was killed in the house of its friends. I shall have no ghosts haunting me; I voted for it first and last, and my vote was prompted by the best feelings of my heart. Cost something! Sir, the unrequited toil of the slaves, the sweat from their brows had made rich the men that now bear their pardons in their pockets for their infamy, and rejoice that the Freedmen's Bureau bill was killed.

That awoke the first shouts of the dormant Democracy. "Hurrah for Johnson!" said the Democrats. It even evoked a gushing speech from my friend from Delaware, who had lived through Buchanan's administration. Both the Senators from Kentucky, the Senator from Delaware, the Senator from Connecticut, and the Senator from Wisconsin were holding sweet communion over the defeat of this bill, which was founded, I repeat, on the best impulses of the human heart.

But, sir, that is not all. This bill originated upon the hypothesis that the old law of last year establishing the bureau originally was dead. Here, however, the President exhibited a very unusual power. I am glad to see that he possesses it. He convinced the world that if he could destroy, he could create. While one bill was crucified and killed, he resurrected another; so that the opinion and judgment of Congress was indorsed, that measure having originated here. If it had been my case, I should have said to Congress, as the old bill is in operation I return this to you as not being necessary.

There came the first line of marked deviation. Then came the civil rights bill, crowding upon the heels of the other. Indeed they were born together, twins in birth, mutual in operation, one being the aid and helper of the other. The civil rights bill did what the distinguished Senator from Maryland [Mr. JOHNSON] declared it was almost unnecessary to do, because it followed as a sequence when slavery was abolished; but that bill clothed this downtrodden people with the superb and indescribable gar-

ment of American citizen. Sir, who has not felt proud that his vesture was the citizenship of the United States of America? To us who inherit it how rich and how precious! To those who have it by the power and force of our arms how inestimable! If I had an angel's tongue I could not describe the ecstasy with which they receive it. If I had the wisdom of my friend on my left [Mr. SUMNER] and the tongue of Cicero I should be unable to describe the indescribable emotions of the transition from slavery to citizenship.

That bill, too, did not find favor at the other end of the avenue. That was misfortune number two. If it were proper for me, I would stop right here and do what would be irregular, pay a passing compliment to the firmness with which that occasion was met. Were I not a member of this body I should do so. As it is, I will simply say that over and above the President's objection the civil rights bill was carried, and there never had been such rejoicings in this nation since the morning stars shouted for joy. It was the resurrection and the life to four million people. It was a noble, manly vindication of the integrity and fixed purpose of this nation. It spoke freedom, not only to the millions here, but to the down-trodden and oppressed abroad. That bill is a law, and, thanks to Almighty God, there is no power now to recall it. It will stand an everlasting monument to the integrity of Congress. When the historian shall write the proudest victory of this war, the manly bearing and perseverance and determination of Congress in passing the civil rights bill will share the most prominent page. I hailed it then as an announcement to the world of the fixed purpose of the American Congress.

For that act the distinguished Senator from Kentucky [Mr. DAVIS] made those utterances which were suppressed in the Globe, in which he said that if he were President he would have this Congress out and another in. Sir, this Congress will not go out until it goes out by the limitation of the term of its existence, and then in every case probably, save my own, those who have been true and faithful will receive from a grateful constituency the indorsement, "Well done, good and faithful servant."

Now, sir, I have examined the Baltimore platform in view of the exposition made of it by the President himself; I have examined the passage of these two bills to see whether he was keeping on that track. I remarked yesterday, and I repeat, that I have said nothing harsh of the President of the United States, but there is something wrong, and I am looking for it. I think I find it in his Washington's birthday speech. It is proper for me to say that during these struggles, when the earth was heaving under our feet, and when nothing but the roar of cannon, the rattle of the drum, and the flash of steel was seen and heard all around us, Congress in its wisdom

saw fit to pass a law prescribing an oath to guard against the return of red-handed rebels. It is known as the test oath. My friend from Wisconsin labored hard to show that the policy of the present President was the policy of his predecessor. Sir, Mr. Lincoln heartily approved of that oath; he signed the bill prescribing it; and I take it my friend from Wisconsin voted for it, as he does for most of the measures passed here, or as he did at that time. Now, in this birthday speech of President Johnson's I see a birth of something strange. Let me quote a little from it. (Sutton & Murphy's Reporter, No. 15, page 16.)

"I repeat, I am for the Union."

That is good.

"I am for preserving all the States."

So am I.

"I am for admitting into the councils of the nation all the representatives who are unmistakably and unquestionably loyal."

So am I.

"A man who acknowledges allegiance to the Government and swears to support the Constitution must necessarily be loyal."

There is the mistake. As a proposition, I deny it. Breckinridge took that oath while perjury black as hell was smoldering in his heart. The president of your late confederacy had taken the same oath over and over again. Wigfall had taken it. Were they loyal? Sir, I deny the proposition that swearing makes a man loyal. If I could reconstruct the South to-day upon an oath, I would call them up and marshal them altogether and tell them to hold up their right hand and swear. Why, sir, these rascals have not only sworn to support this Government, but another, and they have broken both oaths. Will you tell me now that swearing makes a man loyal? No. My friend from Pennsylvania yields that point, and when he yields it, everybody else ought. [Laughter.]

But that is not all. There is a little more cat under the meal here. I will read that again, for it is not true:

"The man who acknowledges allegiance to the Government, and who swears to support the Constitution, must necessarily be loyal."

That would have done years ago; but experience, that stern and unflinching teacher, has taught us a great deal lately. Why, sir, they have sworn four times, and yet oath piled upon oath will never make a traitor loyal. Treason to the moral man is what consumption is to the physical man; he never gets well of it. [Laughter.] It taints the whole moral man; it is a disease incurable; nothing but death can stop it.

But let me quote a little further:

"A mere amplification of the oath makes no difference as to the principle."

That is, that an oath to support the Constitution is sufficient; and to require him to swear that he has not given aid or comfort to the rebellion is a mere amplification, which is of



no use, and will not help the strength of the oath.

"Whatever test is thought proper as evidence and as proof of loyalty is a mere matter of detail, about which I care nothing."

I do.

"But let a man be unmistakably and unquestionably loyal, let him acknowledge allegiance to the Constitution of the United States, and be willing to support the Government in its hour of peril and its hour of need, and I am willing to trust him. [Applause.]"

"Applause." But who by? By that horde of anything but loyal men that surrounded him on that occasion. I will not call names, but I chanced to be here in the early days of this rebellion, and I saw men shouting on the 22d of February who were not suspected of loyalty at that time. "Applause." What for? The test oath was to go. This mere amplification amounted to nothing! Let me inform the distinguished Senators from Wisconsin and Pennsylvania that right there the gulf becomes as wide, as deep, and as impassable as that between the rich man and Abraham's bosom. Right there I stop. I never will vote to let one of these rebels back here, on a simple oath to support the Constitution, to seize the reins of power. Others may do as they please; but on the day of judgment, when I stand in judgment for the deeds done here, that sin shall not be placed to my account.

I want to know if the distinguished Senator from Wisconsin desires this test oath repealed. [Mr. DOOLITTLE shook his head.] Then I congratulate him that he and I agree on that point. But, sir, this thing does not stop here. A recommendation has been sent here from the Executive Mansion requesting the repeal or modification of this oath, upon the plea that the men whom they want to place in power are covered all over with the stench of infamy, and we are asked to let them up a little; some of them are not quite as bad as others. Sir, ever since the world began there have been two kinds of devils abroad, little devils and big ones, and the little devils have always been the most troublesome. [Laughter.]

Now, Mr. President, we have had the Baltimore platform and the birthday speech. We have had the utterances of the President upon that platform; and I am going to assume, without any disparagement to my friend from Wisconsin, that the President knew as well what the Baltimore platform was as he did. Now, I want my friend from Wisconsin to tell this Senate and the country wherein the policy of the present Administration—if you call the President alone the Administration—agrees with Lincoln's. Lincoln was a firm adherent of this test oath. He saw in it the anchor of our safety. While that existed the ship, however much tossed at her moorings, would be safely anchored in the haven of quiet and repose and safety. Sir, take away that anchor, and you will see these vacant seats filled by the men who vacated them with the avowed

purpose of tearing this Government and rending it in pieces.

Mr. President, I remarked yesterday that I thought there was no blame to be attributed to Congress for not having acted more speedily. The work of restoring this country is a great work. The labor imposed upon the shoulders of this Congress is Herculean. They are to build up where treason has torn down. They are to heal these wounds as best they can. The man who had in his employ a person who had enveloped his house and his children in flames by the torch, and would take him back into his employ the next day, would be considered a fit subject for a lunatic asylum. The same rule of prudence, caution, and care should prevail here. The wounds upon our institutions are everywhere seen. The blood yet oozes freely from wounds that never can be healed. And yet my distinguished friend from Wisconsin says we must take them in! Sir, there is a little example before us on this subject. In olden time a copperhead was found stiffened with frost. A humane husbandman, like my distinguished friend from Wisconsin, put him in his bosom to warm him and thaw him out. What did the copperhead do? He stung him to death. After that example I do not propose that any of that breed shall find warming here. [Laughter.] My friend from Wisconsin, with his great gushing heart, wants to take such things in his bosom. Look out for your armpits. [Laughter.]

One thing more, sir, and I have done. I hope the Senate will pardon me for detaining them so long. I am alarmed at another doctrine that is broached by the distinguished Senators from Pennsylvania and Wisconsin, and they are not alone in it. It has got so here that we cannot discuss even a sanitary bill but the doctrine of State rights is brought up. The cholera is obliged to pay its respects to State lines. My friend from Wisconsin said the other day he was the advocate of State rights. So was Davis; so was Breckinridge; so was all this host of rebels that fled. It was that infernal heresy, as illustrated and demonstrated by them, that lighted the torch of rebellion. State rights! Mr. Stephens believes in that doctrine yet, for he swears that he believes now that the States have the right of peaceful secession. State rights with proper limitations undoubtedly exist; but I protest against the latitudinarian construction given to that term by the Senator from Pennsylvania, and the Senator from Wisconsin, which would again light this country with the torch of rebellion.

Mr. COWAN. What other can you give that you are against, besides that of secession? Everybody is against that. What other one do you oppose?

Mr. NYE. I am against all of these pretended State rights that mar the harmony of the action of the Federal Government. What State right are you in favor of?



Mr. COWAN. All of them.

Mr. NYE. Certainly; that is what I supposed, including secession and all others.

Mr. COWAN. No, sir. That is the fallacy of the gentleman's argument: that because secession is not a State right, and was not intended to be one, therefore all other State rights are to be ignored and forgotten.

Mr. NYE. I am not going to stop now to discuss in detail this doctrine of State rights, because I do not think it would be profitable. I do not know that I can exactly describe, and I do not know that the Senator can exactly, what he means by State rights. I speak of the interpretation that has torn this Government in fragments. They called it what we called it, State rights. They not only held the right of these States to secede, but they denied the right of the General Government to force them to remain in the Union. So held your great Pennsylvania leader, the then President, with whose friends you seem to be acting pretty much now. I hope my friend from Wisconsin will not get the nightmare, State rights, firmly seated on him. Why do you not talk about State wrongs? But a State can do no wrong; it is only the barrier that is seen in this General Government! I hope the Senator will not persist in this doctrine of State rights again. If he does, he will have to settle it with his own conscience and with an enlightened constituency.

But, Mr. President, "hurry" seems now to be the word. "My policy" is immediate. Three weeks ago I went over to Arlington heights. I counted there a great many graves, and they told me there were fourteen thousand dead soldiers reposing upon the heights of Arlington. Early in May, 1861, I stood upon those heights, and there was not a grave there. The inquiry naturally arose in my mind, why are so many here now? I found a quick and ready answer in a recurrence to the terrible revolution of the last four years. There lie mingled the remains of rebels and the remains of Union men. I noticed not unfrequently, as I passed along, the inscription "unknown" on the head-board of the Union soldier. Sir, in behalf of that unknown soldier, I require prudence at the hands of this Congress. There I got the inspiration, if I may use the expression, of extreme caution. I stand here the advocate of that unknown soldier; and in his name and by his memory I demand of the Congress of the United States that they shall tread cautiously in this great work of binding up the wounds of the country. In the name of all the dead, I demand it. In the name of mourning millions, I require at the hands of everybody

who is engaged in this work to see to it that it is done in such a way as to render a recurrence of this terrible rebellion impossible. Stain not again the fair fields of this country with loyal blood; rear no more hecatombs of loyal bones; but stand here in this breach made by them, as the Romans stood, firm and determined that what you do shall be well done, and that it shall not require doing again. If all these recollections are not enough, in the name of the martyred Lincoln I demand prudence at the hands of the American Government. If that is not enough, I demand it in the name of the mangled living.

My friend from Wisconsin will pardon me, having great faith, as he says, in the final result, if I call his attention to another view. Sir, beyond the grave we shall meet an army of three hundred thousand dead, who will never again answer to roll-call on earth, but in the day of judgment they will be there. In their name and by their memory, by the immortal death they died and lives they lived, I demand that Congress and every department of this Government shall tread cautiously in this great work of reconstruction. Sir, my mind is made up. Encounter whatever opposition it may, from whatever source, I will be prudent. By all the sacred recollections of the past, I demand caution. By all that is garnered up in the rich treasure-house of the future, I demand caution. In the name of liberty and freedom itself and its perpetuation, I demand caution in every step you take. Rush not madly on to any policy. See where your strength lies and follow that. See where the right lies, no matter whose policy it may be, and follow it, though the heavens fall.

Sir, I entertain no fears for the future of this country. It is written by the finger of Omnipotence Himself that this nation is to be the freest, noblest, happiest nation of the earth. Through whatever tribulations we may have to go I see through the mists and the fogs of the present its coming glory in the future. This continent is destined and dedicated as the abode of a happy and free people. If our sufferings have not yet been sufficient to bring us to the true consideration of what is demanded at our hands, it may be that we shall be called upon to pass through still deeper afflictions; but, sir, the spirit of this people will rise with the demand. It will carry on to perfection the great work commenced by our fathers here of making this the abode of the free and the home of the oppressed of every race and clime. [Applause in the galleries.]

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AN

ADDRESS

DELIVERED AT THE

FIFTH ANNIVERSARY

OF THE

ORPHAN ASYLUM SOCIETY

OF

SAN FRANCISCO,

AT

*Musical Hall, Tuesday Evening, Feb. 5th, 1856,*

BY FREDERICK BILLINGS, Esq.

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SAN FRANCISCO:

WHITTON, TOWNE & CO., PRINTERS, EXCELSIOR JOB OFFICE, .

NO. 151 CLAY STREET, THIRD DOOR BELOW MONTGOMERY.

1856.



FREDERICK BILLINGS, Esq.

Dear Sir:—In behalf of the Managers of the San Francisco Orphan Asylum Society, permit me to thank you most gratefully for your able and eloquent Address, advocating the cause of the Orphan, delivered at the late Anniversary.

The Managers, deeming it beneficial to the interests of the Society to have your Address generally circulated, request that the same be published at an early day.

Trusting this may meet with a favorable response, I am,

Dear Sir,

Yours Truly,

SARAH B. GILLESPIE.

Sec'y of Board of Managers.

February 8th, 1856.

SAN FRANCISCO, February 6th, 1856.

FRED'K BILLINGS, Esq.,

Dear Sir:—We listened with great pleasure to the admirable and eloquent Address delivered by you last night at Musical Hall, before the San Francisco Orphan Asylum Society, and think that its publication and circulation will contribute to the beneficent purposes which you so ably advocated; and, also, to the pleasure and gratification of your friends. We therefore request that you will furnish a copy of your address for publication.

Very Truly and Respectfully,

Yours,

D. O. SHATTUCK,

C. P. PATTERSON,

EDWARD STANLY,

W. C. ANDERSON,

F. W. MACONDRAY,

JOHN C. MAYNARD,

S. HEYDENFELDT,

JO. G. BALDWIN,

THOMAS W. FREELON,

JAMES H. WADE,

AUSTIN E. SMITH,

CHARLES L. STRONG.

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The above very kind—but altogether too flattering notes—induce me to consent to the publication of the Address, and it is given to the printer just as it was delivered. I beg leave to say, however, that it was written in moments snatched from pressing business, and under the conviction that any Address for the Anniversary should be short; if it had been intended for publication, it would have been much more fully developed and illustrated.

FREDERICK BILLINGS.





## ADDRESS.

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LADIES AND GENTLEMEN :

In the great circle of beneficent institutions which the various miseries and misfortunes of life call forth, there is no more graceful and beautiful and attractive charity than that which finds expression in the society that cares for the orphan. There is a response in the human heart to all calls of charity ; there is a charm and a beauty in all the paths in which human goodness travels ; and, vastly more than is generally supposed, is the world quick to appreciate and prompt to alleviate human suffering. I call it not a cold, unfeeling, uncharitable world. The sympathising heart and the helping hand are given, at least in the present day, to the helpless and the suffering in whatever stage of life they are found, and from whatever source their trouble and their afflictions come. You can mention no phase of want, of suffering, of distress — afar off or near — which does not awaken sympathy and call forth practical aid. Somewhere, somehow, something is done to fulfill the Scripture injunction of “bear ye one another’s burdens.”

No matter whence destitution and helplessness and misery may come. Charge Government with the widows and orphans, the maimed of limb and shattered of frame that come

from her service and her wars ; charge society with all the victims, whether men or women or children, of her false standards and her false codes, whether of business or of morals ; charge individuals with all the want and suffering that come from folly and ignorance and selfishness and passion and crime ; charge to the accidents of life the thousand distresses that ever claim that paternity ; and forget not all those who in the inscrutable ways of Providence are born unto trouble, even as the sparks to fly upward ; and when you have made all these charges, you will find something to the credit of human nature against them all. There is not a blow that falls, whose force is not broken by some interposing arm ; there is not a wound received in the great battle of life that finds not, somewhere, gentle hands to bind it up.

Various is the form of trouble in the world, and not small is its amount. Go where you will, you cannot escape from its presence. The strong never lack opportunities to help the weak ; nor they who stand to raise those who fall ; nor they who have, to give to those who have not. In the populous city by the shores of the sea — in the loveliest village of the plain — close by your own home and fireside, and afar off — up in the mountains, and out among the islands of the sea — throughout the State and throughout the world, there is room and call for charity. The poor, whom Scripture says we have always with us, must have alms ; eyesight must be given to the blind ; the dumb must be taught to speak, the deaf to hear, the lame to walk ; plenty must give unto famine ; health must run to stay the pestilence that wasteth at noon-

day — the ignorant must be taught — the sick visited — the crazed of brain cared for — the fatherless not forgotten.

So uniformly did life seem to those, who lived in the days of the old mythology, to be attended with trouble, that their Jupiter, as he sat upon his throne, was believed to have by him two great vessels — the one filled with blessings, the other with misfortunes — out of which he mingled a composition for every man that came into the world. And one so distinguished as to be called a philosopher — no less a person than Heraclitus — was so impressed with the apparently inevitable lot of misery attending human life, that he gloried in weeping over the wretchedness of the race, and deemed it worthy a philosopher to flee from the intercourse of men, in order to relieve himself from the sight of trouble. And the weeping party, of which he was chief, had in those pagan days many a disciple enthusiastic in the cause of gloom. And the party, I am sorry to say, in this Christian age is not altogether extinguished. Many a man at the present day, though he may not directly chide Providence as did the old world chide Jupiter for the existence of suffering, thinks, nevertheless, that the world is full of it, and that its history is but a “sad variety of pain.” They can discern nothing good in human nature, and nothing bright in human life, and they go mourning all their days over the distresses of mankind. The child is born only to become ungrateful and dissolute and vicious. Manhood is only an unsuccessful struggle with endless vicissitudes of care and poverty and sickness and calamity. Old age comes only to bring feebleness and disappointment and cold neglect, and at last the

grave-yard, wherein are no bright records. Magnifying trouble where it is, fancying it where it is not, and dreaming of it always, to them this world is a dreadful world, and they know not what will become of it.

But with such I have no sympathy. I have no fellowship with those who sit in sack-cloth and ashes and howl over the woes of mankind. Away with even the croakers and the grumblers. The world has many a phase of suffering, and an honest, manly appreciation of it is a duty. But after all, it is a world wherein are health and hope and happy lives and peace and plenty and beauty and benevolence and truth and goodness. It is a world we should rejoice to live in. All around are blessings. Every true relation of life is beautiful. Every honest pursuit of life has its pleasure and its reward. Life is not all good, for there can be no unmixed, unalloyed good in life. Human nature was made for struggle and growth and expansion; and in the conflict and progress there must ever be collisions and failures and pains and suffering. Danger is an element of life, because life is mighty and stirring, even as there is danger on the ocean because it is no standing pool.

But with all the perils of life there is less positive suffering than is often supposed. There are orphans, but how few are they, compared with the happy children of happy homes. There are the destitute sick, for whom the public hospital must be built, and thousands may sicken and die there, but how few are such compared with those who pay the great last debt of nature watched over by the nursing care of friends, perhaps of mothers and sisters, surrounded by



that tenderness which grows up only at home. Trembling footsteps may bring a blind old man to your door, but for that blind old man how many thousands will you see whose eyes are not dim, and whose strength is not abated. No : the world is not full of suffering. There is enough to stir the kindest feelings of our nature—to keep us from utter selfishness—to teach us to be gentle—to remind us that we are mortal ; but there is not one particle too much. In the grand discipline of life, we need every voice of sorrow that comes to our ears, and every aspect of suffering that meets our eyes, and every appeal of charity made to our hearts. Terrible as are the pangs that sometimes sweep across human life, I must believe that all the wail of earth will only make more sweet the music of heaven.

But I turn from the troubles and miseries of life, be they great or small, many or few, to the wide-spread and ever active labors of the world for their alleviation. And I ask you to mark the grand scale upon which Benevolence directs itself to the relief of distress—to the vastness and complexity of the machinery organised for the purposes of charity. It quickens every generous impulse to consider the extent and variety of the workings of human sympathy. The theme is a vast one. The field and laborers ; the scope and shadings and sum ; the work and offerings and prayers of active benevolence, involve more than my pen can picture forth. For charity is History, beginning away beyond the good Samaritan's time, and ever growing with the growth of years ;—it is Geography, having all climes and places for its own—at home in Greenland's icy mountains, and on In-



dia's coral strand ;—it is Philosophy, revealing the purest and inmost workings of the soul ;—and above all, it is Christianity, illustrating the golden rule, do ye unto others even as ye would have them do unto you.

We hear in every-day life and we read in every-day books sweeping accusations against the inhumanity and neglect of society. “The cold charities of the world”—how often is the phrase made use of. How general is the impression, the popular faith, that the manifold claims of humanity are separated by a great gulf from the spirit and means of relief. Far be it from me to say that charity does a perfect work ; that either in kind or degree the benevolent labors of individuals, or the benevolent institutions of society and the State are equal to the public need. There is a future and a higher for the development of charity, both in its purpose and in its application, as there is a future and a higher for the development of every grace and glory of life. Advancement is demanded of everything within the limit of human endeavor, and will be until time shall end. Finish up in good deeds the work of to-day and there ever will be work for to-morrow. The Alexanders of physical battles may sigh that there are no other kingdoms to conquer, but to the Alexanders of moral battles those other kingdoms are never wanting.

But I do say, that every careful, reflective observer of the movements of the world will be struck with the tendency of human action to benevolence ; with the efforts made to aid man's infirmity and to alleviate the ills of life, and he will derive strength and hope as he contemplates the gene-

ral recognition of the claims of christian charity. I doubt if any one in my presence has ever carefully considered how various and how numerous are the eleemosynary institutions which exist in the world, established and supported by the State or by voluntary associations, or founded and endowed by private munificence. I doubt if there is any one here who will not be impressed with the fact that the catalogue of the benevolent institutions existing in the city of London in the year 1850 made a book of four hundred and fifty pages. And yet these institutions, with their local habitations and names, seen of the eye and chronicled in books, celebrating their anniversaries in halls, and impressing the public mind with the extent and usefulness of their labors, constitute and illustrate only a part of the world's charity. How many men live, every day of whose lives is a silent blessing to some one of the human family! With what noiseless step is woman ever going about doing good! Who can tell how often the right hand giveth when the left hand knoweth it not! Who can tell the deeds of kindness, the labors of love, the tears of sympathy of which there is no catalogue, no record save that of the Recording Angel, to be opened only at the last great day! But considering only the public exhibitions of charity — considering even only the humane institutions sustained by the State and voluntary association and by individual endowment, how surely are we convinced that kindnesses are ever flowing from the more prosperous to the less prosperous of the human family. What object of charity is there for which some institution has not been formed? There are institutions local and spe-

cial and general. There are asylums for the deaf, the dumb, the blind, and all whom nature has slighted. There are Houses of Reformation and Houses of Refuge for the vicious and all whom society has corrupted. There are hospitals and infirmaries and dispensaries for every kind of sickness; hospitals for the disabled sailor, and hospitals for the disabled soldier. Alms-houses for the poor and improvident, and schools for the ignorant. Humane societies, indeed, reach everywhere. They explore the haunts of poverty and crime, penetrate the prison cell, assail every social evil, rescue from every peril, provide for every trouble, reform, civilize, christianize.

With the sentiment of benevolence thus living and clothing itself in a thousand public forms to meet every shading of want in every aspect of life, from the simplest want of the body to the highest want of the soul — with that same sentiment in a thousand undefined and informal and private ways, doing its gentle work, and often in ways unseen and with invisible hands scattering blessings without number — with that same sentiment finding utterance in a thousand voices, and particularly in the great voice of the Press — and so informing and controlling our literature that he who writes most touchingly of sorrow, and most eloquently and hopefully of charity is most dear to the hearts of the people — with all these manifestations of the active, living, universal charity of life, it seems to me injustice to man and impiety to God to call the world uncharitable. Make clearly known any case of real distress, I care not whether near or remote, and wherever the knowledge comes there is a

response in the human heart. The press speaks, the purse gives, Jenny Lind sings, man works, woman soothes, the church prays. Let a cry for bread come over the ocean from poor, starving Ireland, and ships of war lay aside their guns and speed over the waters filled with food for the famishing. War may wage, but woman, making immortal the name of Nightingale, will sit by to bind up the wounds. Pestilence may strike down the living, and people the places of the dead, but the name of Howard lives, and charity glides with quicker steps and fuller hands through all the homes of the distressed. Charity suffereth all things, endureth all things, hopeth all things. She is greater than war or pestilence or famine. She is alike at home in the burning tropics and at the frozen poles. The largest form of human misery is not beyond her reach, and the smallest escapes not her notice.

The greatest obstacle in the way of charity comes from the fear of imposition—from a distrust, in a given case, of the plans proposed, the means employed or the persons engaged. I know there are those who think that a movement called benevolent should not be criticised; that mistakes can never be made there. But there can be a mistaken charity, and a mistaken application, and a mistaken management of charity, as there can be a mistaken everything else in life. There are shams in the benevolent world as there are shams in the political world. Not every subscription started nor every society proposed is worthy of favor. Not every scheme has the ring of true metal. Not every one who says Lord, Lord, will find entrance into the Kingdom of



Heaven, and not every one who says Charity, Charity, should find admission into our hearts. At least ten times a month do I say no to the stout woman with a stout baby in her arms who asks for money at my door. Ten times ten would I say that no, if I had the opportunity, because I believe the wants of that woman are feigned and that the baby is borrowed. The world has become a little suspicious by the frauds and impostures that have been practiced upon it, but this distrust only shows how deep-seated and abiding and honest is its benevolent spirit. Show an unquestioned case of genuine distress and the ice of suspicion is sure to break, and the stream of charity is sure to flow.

But enough for the purposes of this occasion have I spoken of the charity of the world, and I turn to the charity of California. The highest development of benevolence belongs to the oldest and most densely populated places of the world, to the oldest and highest States of civilization. California is young and thinly populated. She is not the world — nor Europe — nor the United States — nor London — nor New York. She is only California — a newly born State, unknown to herself, her character undeveloped, struggling for life. She is beginning in population, in government, in law, in politics, in religion, in social life, in everything. Men are not certain of the State, of society, or even of themselves. The demand for everything is fluctuating and uncertain, and the supply still more so. And with all this newness and crudeness of the State, its population small, and its social life just developing, there is no room and no necessity for all the forms and kinds of benevolent labor which old



and densely populated conditions of society demand. To say that she has not the societies and minute ramifications of societies organized elsewhere for charitable purposes, is to argue nothing against her benevolent spirit or her benevolent labor. The mendicity societies, the relief societies, the sanitary societies, the indigent societies, and the thousand other charitable societies, all having their particular and appropriate sphere of labor and all needed in some parts of the world, have most of them as yet no place here. California had a fresh and vigorous start, with a clean bill of health. And she has fewer heir-looms of feebleness and infirmity, of dependence and disease than the same number of people anywhere else in the world. She had no hereditary weakness entailed upon her system ; she has no chronic complaints of long standing to affect her body. Her troubles are those coming from and belonging to her own peculiar growth, and as that growth has been full of marvellous incidents and startling accidents and strange surprises, she has troubles that occur not to a State of slower and steadier development. But with all her excitements, and confusion and reverses and strange vicissitudes of life, she does not yet demand all the various exhibitions and manifold applications of charity which are seen in older States. And the question for her is not what, and what number of charitable institutions she has, but is Charity a Living Presence within her borders ? Do men acknowledge their fealty here to Benevolence ? Do mercy and kindness and generosity and sympathy make an element of California life ? And is that element earnest, busy ; thinking, speaking, acting, keeping pace with all

other elements, and striving to meet frankly and fairly all the responsibilities that start up within its sphere? I am a hopeful man and love the bright side, but I think I am not mistaken when I say that no people are more charitable than the people of California — more quick to understand and appreciate distress and to contribute to its relief, whether that distress be their own or that of some distant New Orleans, prostrate with the terribly raging fever. Charity is in the front rank of our active, stirring life. She keeps up well with all other developments. Even the State, in its political capacity, has recognised her, and the old general government itself illustrated her.

The Federal Government is almost the last source from which a display of benevolence could be expected. It is looked upon as an embodiment of law and penalties, and caucusses and conventions, and cold and rigid exactions. It is not supposed to have eyes to see suffering, or ears to hear its appeals. But I record with pleasure the fact, that the first building erected by the Federal Government upon these Pacific shores was an imposing and commodious hospital for the sick and destitute and homeless sailor. Much as a custom-house was needed for the accommodation of the business of commerce; much as an edifice where justice might establish her tribunal and poise her scales; much as a mint wherein the dust of our mountains might be turned into the coin of the world; much as light-houses upon the headlands to guide ships freighted with precious wealth and still more precious lives in their paths upon the deep; much as all these works were needed, remember that the attractive Marine

Hospital upon Rincon Point was the first building in its commencement and the first in its completion of all the Federal undertakings upon the Pacific coast.

And let it be remembered, to the praise of our State government — of which not everything can be said in praise — that before the State House was built, or even the site of the Capitol determined — while, indeed, the Capitol was riding in express wagons and sailing in schooners ; that before the State Prison was erected, or the walls, so rapidly paid for, had been planned ; that before all other public buildings, the State Lunatic Asylum was built and opened for all who were bereft of reason.

But pleasant as it is to note these charities of the State and Nation, it is in the more variously active benevolence of individuals and associations that the fervent spirit and faithful labor of charity in California find their truest illustration. And among all the displays of such benevolence,— numerous and attractive as they are,— there is none to me so graceful and so beautiful as that which finds expression in the society that cares for the orphan. And no charitable institution has such a hold upon the heart as the one whose fifth Anniversary we have met to celebrate to-night.

Beautiful as charity may be when she simply gives a cup of cold water to him who is thirsty — when she guides the steps of the blind — when she sits by the bed of sickness — when she cares for old age no longer able to care for itself ; beautiful as she is in all her ways, she is never so beautiful as when in the form of woman she takes by the hand the orphan child, wandering and lost in the confusion of the tu-

multuous city, and guides it to a home. Woman, guarding and cherishing the orphan child! There is no sight in life more touching to the heart, no work of love more acceptable, I believe, to Heaven. It is a charity free from all alloy. And I wonder not that the institution which illustrates it in this strange city of San Francisco has been so beloved of her people; and I wonder not that so many come together every year to celebrate its natal day. The year is set all around with bright anniversaries, even as the heavens are jeweled over with bright stars, but this to me is the pleasantest and and most attractive of them all. Well is it to celebrate the day when the Mayflower, "that flower of perpetual bloom," came to Plymouth Rock; and the day when the eyes of Washington first opened to the light; and that wondrously great and immortal day of 1776; and ever so many other days, recalling good deeds and great events. All these anniversaries have their significance and appropriate influence. And in comparison with them, the unpretending anniversary of this Orphan Asylum Society, neither old nor richly endowed, doing its gentle work without noise or display, may seem to some of slight moment. But I much mistake human nature if the man who comes up from the din and whirl of San Francisco life to see these orphan children, to hear of the devoted labors of these ladies to beautify and bless the orphan's life and the orphan's home, to encourage them by his presence and assist them by his gifts, will not find a richer compensation than in any or all of the more imposing anniversaries to which his steps might lead him.

Now and then we meet in life with those who think it no



part of manliness, who even say it is puerile, to work and speak for and be interested in children. For such I have only pity. They know not the sweetest and purest blessing of life. Children are the joy and light and comfort and strength of the world. They influence all its labors, soften all its asperities and color all its life. The street may be crowded and business may hardly find room to pass, but there is always room for the little child. The day's work may be hard and man may go home full of troubles, but the children by the hearth-fire will make him forget them all. The heart may yield to the temptations of vice, but the still, small voice of childhood will often reclaim when all other voices are powerless. The man never yet was born who was not blessed by the presence of children. Grand old, solemn Plato, the grandest man of all the old philosophers, delighted and was refreshed in the society of children and laughed as they pelted him with roses. And Anaxagoras, the great Athenian statesman, when he was dying in Clazomenæ, had only one wish, and that was that an almond tree should be planted near his grave that the children might love to go there as to a pleasant home. And the famous men of all ages, who live in the world's memory, and speak out from the world's written history—stern and tough as many of their characters may have been—have left on record gentle deeds and gentle sayings, acknowledging the blessed influence and beautiful mission of children upon earth, and bidding us, as Jean Paul bids us, to keep near childhood for in wandering from it we wander from God.

Beautiful as may be the sayings of these great men of the



Past, and delightful as it is to dwell upon them, we need them not. What says the human heart of to-day? Children are the lights of our homes, and no such darkness comes upon the household as when the light of a little child's life goes out. Children live in books and speak out in all our popular literature, and Dickens would not be Dickens if he had not told us of Little Nell. Children fill our schools and our schools are the glory of the State. Strike children from the bible and it is no longer the bible. Take children from the world and it is no longer fit to live in. Children lead when neither argument can convince, nor persuasion draw, nor danger frighten. The prophet, in picturing forth the perfect peace of the Millennial day, makes all the wild beasts of the earth to dwell together, and says that a little child shall lead them. Those wild beasts are the raging and fighting passions of the human heart and human life: and who so fit in that great Millennial day to be set over them all as the little child, who in all the course of time has done so much to assuage and tame and conquer them?

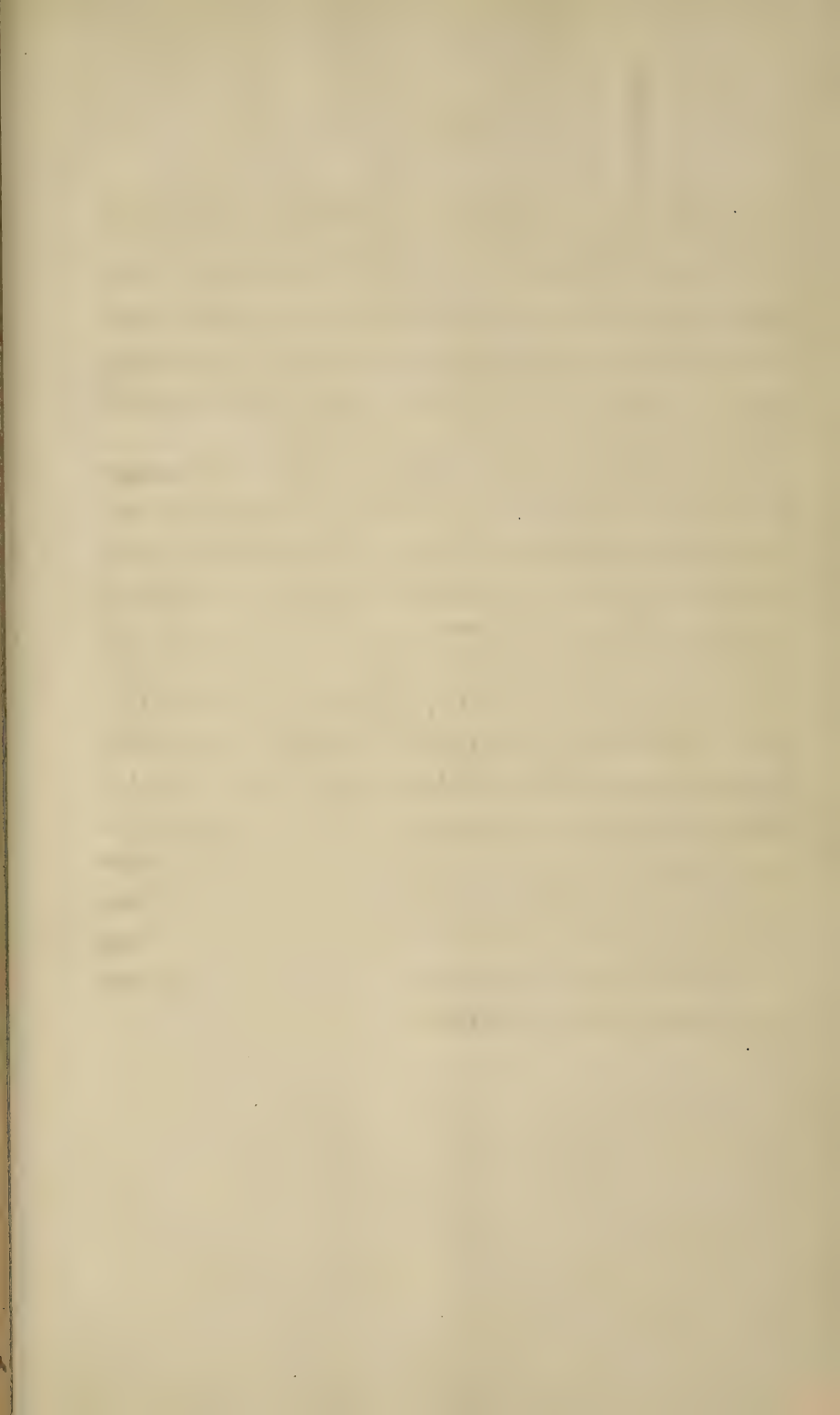
But why to this assemblage and for the purposes of this occasion do I magnify the office of children? If man does not recollect his own childhood and love and reverence all childhood, at least his heart is touched by a child's sorrows. I never knew a man so busy as to refuse to listen to a child's appeal; so hard and so cold as to refuse to relieve a child's distress. And this is the orphan's night and the orphan's gathering, and I speak to those who have met for the orphan's aid. And who is the orphan? What means that most desolate word of all our language? The orphan is the

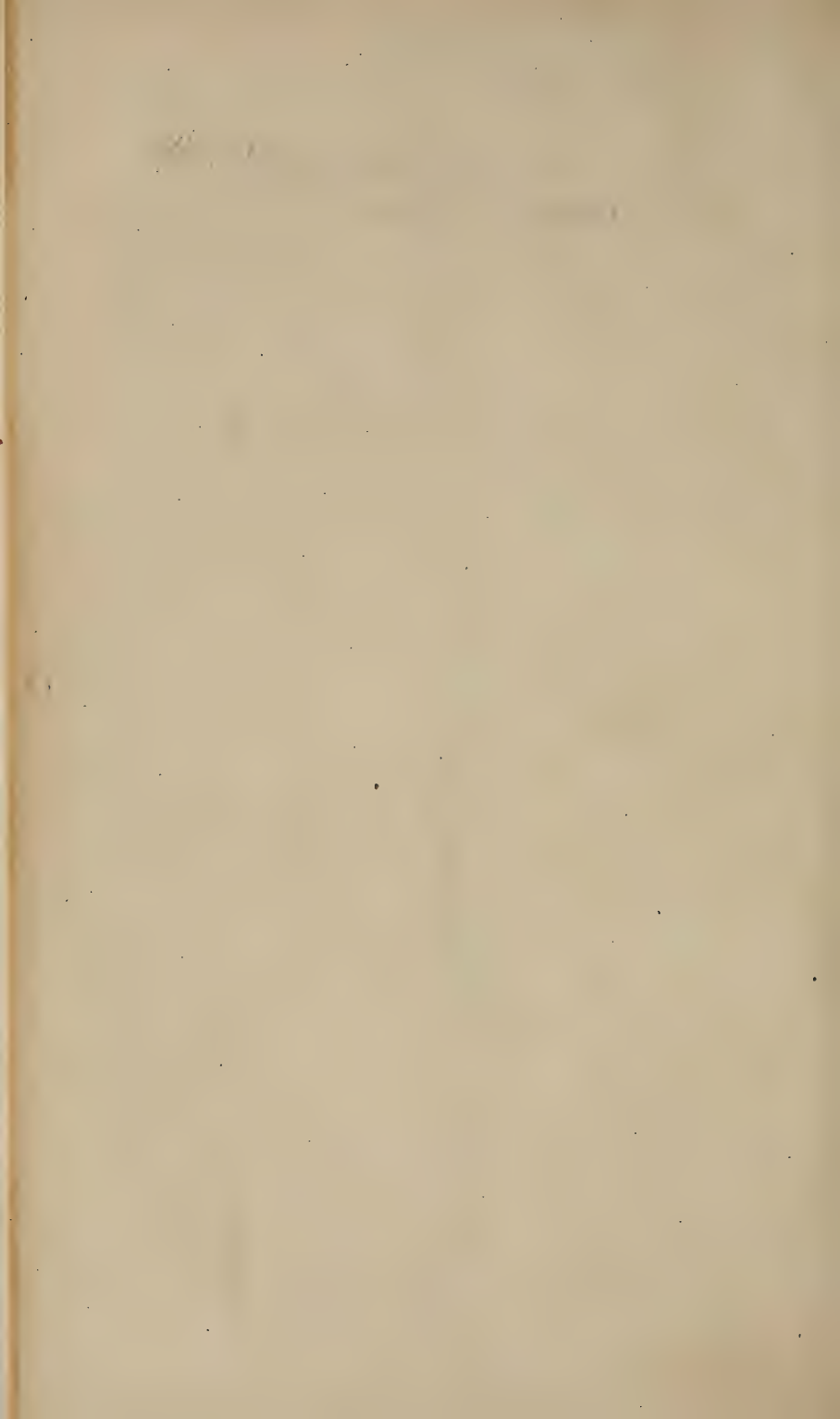
little child alone in the world — I repeat it, the little child alone in the world ! If a more pitiable and perfect desolation can come upon a child tell me what it is. If there is a sight on earth to move the coldest, hardest heart to sympathy, it is that of such a child. The grown up man may be scathed by all the lightnings of adversity : his fortune may be blasted, friends may turn from him, and the grave may snatch away father and mother and brother and sister and wife and child, and he may stand broken, shivering and alone, but his desolation compares not with that of the little child trying to grope its way in this bewildering world with no home wherein to rest its head and no mother's gentle hand to guide its steps. The man has memory and experience and a sense of his sorrow and a voice to cry for help ; and he knows of the God above him and of the rest which cometh at last to all the weary. But the orphan has neither speech nor strength nor wisdom nor memory nor hope, and knows neither man, nor life, nor God. And the innocent smile which plays on its face in its unconsciousness of desolation and danger is only the gleam of light that reveals the darkness.

But in vain do I attempt to picture the height and depth and length and breadth of the orphan's desolation. Childhood rises up before me, developing amid all the sweet and blessed influences of home and enriched by the infinite wealth of a mother's love ; and I know not what childhood is, or how it can live with that home and mother taken away. But I do know that there is no such pitiable sight on earth as the orphan child, and that no plea for mercy should so

touch and move the heart as the orphan's silent prayer. And by all the obligations of christian charity — by all the love we bear to childhood — by all the recollections of the home and the mother's love that blessed our early years — by the interest of the State — and the voice of the church, and the command of God, are we constrained to run with full hearts and full hands to the orphan's aid.

Blessings, then, upon the institution whose anniversary we celebrate to-night. It is a praise and a glory to our city. It is a perpetual benediction upon the ladies who so early created it, and have so devotedly cherished it, and upon all who have striven for its prosperity. Blessings upon you who have come out from busy, noisy, whirling life to night to offer thanksgivings for the Orphan's Home and to bid it God speed. Withhold not from it your sympathy or your gifts. For every deed of kindness, blessings from these little children, and from your own hearts, and from the State, and the church shall rest upon you — and a still other blessing, better and greater than all these ; for down through eighteen hundred years come those words of our Savior, fresh and living as if spoken to-day, "Inasmuch as ye have done it unto one of the least of these, ye have done it unto me."







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SPEECH

OF

HON. P. D. WIGGINTON,  
OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES,

JUNE 13, 1878.

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WASHINGTON.  
1878.



S P E E C H  
OF  
HON. P. D. WIGGINTON.

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On the bill (H. R. No. 5130) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

Mr. WIGGINTON. Mr. Speaker, while the Committee of the Whole House was considering House bill No. 5130, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, on the 13th instant I offered an amendment, which I will here insert with enough of the proceedings had to show that by an order of the House no opportunity was given to debate any amendments to said bill.

Before doing so I wish to say that my colleague [Mr. PAGE] in his remarks upon the point of order raised by him was mistaken as to two facts: First, the amendment offered by me provides for a salary of \$5,000 for the Surveyor-General, not \$4,500; and, secondly, the Committee on Public Lands, of which I am a member, has not taken action adverse to the propositions made in my proposed amendment; and I cannot but add that I am surprised that a gentleman representing a portion of the State of California should have given the matter of public lands, in which our State is so largely interested, so little consideration as it is evident my colleague has. But to return to the subject.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ATKINS. I move that the rules be suspended and that the House resolve itself into Committee of the Whole for the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. Under the order of the House debate is not allowable upon any amendment, and only five minutes on each point of order, two and a half in support of the point of order and two and a half minutes against it. Gentlemen will observe this rule.

Mr. WIGGINTON. I move the following amendment.

The Clerk read as follows:

"After the word 'dollars,' in line 1040, insert:

"For Surveyor-General, \$5,000; chief clerk, \$2,500; two clerks, at \$2,000 each, \$4,000; four clerks, at \$1,800 each, \$7,200; six clerks, at \$1,600 each, \$9,600; eight clerks, at \$1,400 each, \$11,200; twenty clerks, at \$1,200 each, \$24,000; ten clerks, at \$900 each, \$9,000; three messengers, at \$840 each, \$2,520; four laborers, at \$720 each, \$2,880; two laborers, at \$600 each, \$1,200; making in all, \$98,100: *Provided*, That the Secretary of the Interior may employ a greater number of clerks at less price than herein named at his discretion.

"For rent of office of Surveyor-General, \$5,000; to meet the expenses of closing up the offices of surveyors-general and transferring the archives to the proper custodian within the States and Territories where the same are located, \$5,000, or so much thereof as may be necessary; to pay the salaries of the surveyors-general, the clerical and contingent expenses of their offices for the first quarter of the ensuing fiscal year, or for such part of said first quarter as may be required for closing their offices and transferring the records and archives thereof to the proper

custodians within the States and Territories where the same are situated, the sum of \$44,000, or so much thereof as may be necessary, to be expended for the same purposes and at the same rates of allowance for each purpose as enumerated and set out in the appropriations for such purposes for the present fiscal year: *Provided*, That the office of Surveyor-General is hereby created, and the contract system of public surveys is hereby abolished, and the President, by and with the advice and consent of the Senate, shall appoint a Surveyor-General of the United States, who shall be a man of scientific attainments and shall have his office in the city of Washington, in the District of Columbia, in such building or rooms as may be provided by the Secretary of the Interior, or by Congress, and shall make such reports of work done and returns of plats of survey to the Commissioner of the General Land Office as are now made by the several surveyors-general of the several States and Territories, or as may be required by the Commissioner, subject to the approval or control of the Secretary of the Interior: *And provided further*, That the office of surveyor-general in the States of California, Colorado, Florida, Louisiana, Minnesota, Nebraska, Iowa, Nevada, and Oregon, and also the office of surveyor-general in the Territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming, are hereby abolished, and such of the archives and records now in the offices of said surveyors-general as may not be required for the office of the Surveyor-General shall be turned over to the governors of the several States and Territories, upon the same terms and conditions and in the same manner that the archives have heretofore been turned over and delivered to the State authorities in States where the public surveys have been completed and the offices of the surveyors-general closed: *And provided further*, That the furniture and fixtures of the offices of the surveyors-general in the several States and Territories shall be sold under the direction of the Commissioner of the General Land Office, and the proceeds of the same covered into the Treasury of the United States: *And provided further*, That the surveys of public lands, private land claims, and boundaries between the several States and Territories, when provided for by law, shall be made by competent engineers and surveyors, to be employed by the Surveyor-General as his assistants, whose compensation shall be fixed by the Surveyor-General and approved by the Secretary of the Interior, and paid out of any money appropriated to defray the expense of such surveys as they may be employed to make: *Provided*, That said Surveyor-General is hereby authorized to use such engineering methods as he shall deem most economic and accurate.

"For salaries of twenty-four registers and twenty-four receivers of the twenty-four consolidated land offices, \$144,000; for rent of suitable office buildings for the twenty-four consolidated land offices, \$14,400; for clerical force to be allowed and apportioned at the discretion of the Commissioner of the General Land Office to the twenty-four consolidated land offices, \$75,000; *Provided*, That the Commissioner shall not allow a greater salary to any clerk thus employed than \$100 per month; for stationery, furniture, fuel, and lights for the twenty-four consolidated land offices, \$24,000; to meet the expenses of closing up the abolished local land offices and transferring them to the consolidated offices at the capitals of the respective States and Territories in which they are situated, \$10,000, or so much thereof as may be necessary; to pay the salaries of the registers and receivers, the clerical and contingent expenses of their offices for the first quarter of the ensuing fiscal year, or for such part of said first quarter as may be required for closing their offices and transferring the same to the consolidated offices at the capitals of the respective States and Territories in which they are situated, \$88,000, or so much thereof as may be necessary to be expended, for the same purposes and at the same rates of allowance for each purpose as enumerated and set out in the appropriations for such purposes for the present fiscal year, making in all, \$356,400: *And provided further*, That all local land offices in the respective twenty-four States and Territories where the same are situated shall be consolidated into one office at the capital of such State or Territory, and all furniture, fixtures, and Government property in such vacated local offices not necessary to be transferred to such consolidated offices shall be sold under the direction of the Commissioner of the General Land Office, and the proceeds of the same covered into the Treasury of the United States; *Provided*, That the Surveyor-General shall make out and forward to the registrar of deeds of each county, township, or parish a full copy of all plats and field-notes of all surveys of all lands surveyed in such county, township, or parish, to be filed in the registrar's office for public use and inspection: *And provided further*, That all proofs and affidavits required by law in making original or final entry of the public lands may be made before the judge or clerk of any court of record in the county, township, or parish in which the lands are situated, or to which any unorganized county, township, or parish embracing such lands may be attached for judicial purposes, and when so made and subscribed, and duly verified by the seal of such court, shall have the same force and effect, under like pains and penalties to the person making any oath or affidavit therein, as though made before the register or receiver of the proper land district; and the same shall be transmitted by the judge or clerk to the register or receiver.

"That the Secretary of the Interior, the Commissioner of the General Land Office, registers and receivers of the United States land offices, or any employé of the General Land Office who may be detailed to investigate in regard to the public lands or anything connected with them, may apply to the judge or clerk of any court of the United States in any State, district, or Territory, to issue a subpoena for any witness, being within the jurisdiction of such court, to appear at a time and place in the subpoena stated, before said judge, or before the official or officials making the application as above provided for, if so requested, there to testify according to law; and the said subpoena shall be issued upon such application, and be served by the marshal or proper officer of such court in like manner with other process issued by such court; and any failure of any witness so subpoenaed to comply therewith shall be punishable in like manner as any court of the United States may do in cases of disobedience of other process issued by such court. The costs and witness-fees arising under this section shall be taxed, allowed, apportioned, and paid in such manner as the Secretary of the Interior may prescribe. This amendment to take effect on the 1st day of October, 1878.

"That all acts or parts of acts in conflict with this act are hereby repealed."

Mr. PAGE. I make the point of order against that amendment for these reasons: first, it is not germane to the section now being discussed by the committee. We have already passed the paragraph providing for surveyors-general of the different States and Territories, the last paragraph having been for the survey of boundary between Arizona and Utah Territory; secondly, it changes existing law; thirdly, it fails to show upon its face that it retrenches expenditures; fourthly, it creates new offices not authorized by law and makes appropriation for them. It establishes the office of Surveyor-General of the United States at a salary of \$4,500 a year. It provides for numerous clerks not now authorized by any existing statute. It is entirely new legislation. It has been rejected by three appropriation committees. It was before the Committee on Public Lands and was rejected by that committee.

Mr. PATTERSON, of Colorado. The same bill was presented to and rejected by this Congress.

Mr. PAGE. Yes, sir; it was offered to the legislative appropriation bill and rejected there.

Mr. WIGGINTON. In reply to the gentleman's point of order I wish to say there is no doubt it does change existing law, but it is in order, although it does change existing law, because it is in the interest of economy. It repeals a portion of an appropriation bill already passed by the House, amounting to several hundreds of thousands of dollars. The amendment shows by the total amount of appropriation that it saves in the neighborhood of a half a million dollars by repealing an appropriation already made. It gives facilities for the conduct of the survey and disposition of the public lands. It reduces expenditures to the extent of a half a million dollars upon what has already been appropriated for the purpose of the survey and the disposition of the public lands. For these reasons the amendment is not only germane but in order.

I do not propose to discuss here the wisdom or propriety of such an order, and will only say that there may be some doubt of the people being satisfied with the public money being thus taken from the Treasury without discussion of the reasons for appropriations in that branch of Congress coming directly from the people.

When the bill came up first for consideration the items thereof were freely discussed and amendments in the way of aiding in the construction of public buildings liberally added, until the total in said bill was increased some millions of dollars. Before we had reached that point of the bill relating to public lands all debate had been cut off, and no opportunity was given to explain amendments, and many that were meritorious, some absolutely essential to the proper management of that great interest, were voted down for the reason, no doubt, that a very large majority of this House knew nothing of their importance.

And here, before I proceed to discuss the merits of the amendment referred to, I cannot but mention the fact that while millions were voted out of the Treasury for various purposes, when we had reached the item of appropriations for surveys of timber lands, demanded by the terms of a law approved June 3, 1878, for the sale of timber lands in the States of California, Oregon, and Nevada, and the Territory of Washington, an amendment was offered asking that \$150,000 be ap-



propriated for that purpose. By the terms of the bill as reported from the Committee on Appropriations \$300,000 had been appropriated for all surveys of public lands and private land claims and but \$40,000 could be used for surveying timber lands.

I am satisfied that with an appropriation of \$150,000, timber lands could have been surveyed and sold to the amount of \$3,000,000, thereby replenishing the Treasury to a considerable extent for the liberal if not extravagant appropriations given for public buildings. The result of the effort to secure \$150,000 for that purpose was to reduce the very inadequate sum of \$40,000 to the insignificant sum of \$20,000, thereby rendering the provisions of the law for sale of timber lands practically worthless and depriving the Treasury of the proceeds which would result from the sale of the vast timber lands of the Pacific coast. The industries of that country require this timber; the people must have it for the development of their mines and for a thousand other purposes connected with the rapidly advancing civilization. Laws have already been passed by which these lands can be sold, if they were surveyed, and for the want of a sufficient appropriation for this survey they must remain unsold. The Treasury will thereby lose the amount for which these lands would sell and save the insignificant amount which their survey would cost, and the industries of the country which depend on this timber will be greatly paralyzed.

I incorporate here enough of the proceedings to show this fact:

Mr. PAGE. I move the following amendment, and I desire in connection with it to have read a letter from the Commissioner of the General Land Office.

The Clerk read as follows:

"That the sum of \$150,000 be, and hereby is, appropriated to carry into effect and render operative the provisions of the act of Congress approved June 3, 1878, entitled 'An act for the sale of the timber lands in the States of California, Oregon, Nevada, and in Washington Territory.'

"And the said sum shall be used by the Commissioner of the General Land Office exclusively for the survey of the lands mentioned in said act."

Mr. PAGE. I should like to have read the letter of the Commissioner recommending that.

Mr. EDEN. I object.

Mr. PAGE. It is recommended by the Commissioner of the General Land Office.

The committee divided; and there were—ayes 50, noes 72;

Mr. PAGE demanded tellers.

The committee divided; and there were ayes 27; not a sufficient number.

Mr. PAGE. I demand a count on the other side.

The CHAIRMAN. The rules require one-fifth of a quorum to call for tellers, and twenty-seven is not one-fifth of a quorum, and tellers therefore are not ordered.

So the amendment was rejected.

After some further consideration of the bill:

Mr. DUNNELL. I offer the following amendment:

"In line 1088 strike out "\$40,000" and insert "\$20,000;" so that it will read:

"That not exceeding the sum of \$20,000 herein appropriated for the survey of public lands may be used for the survey of timbered lands exclusively."

The question being taken on agreeing to Mr. DUNNELL'S amendment, there were ayes 101, noes not counted.

So the amendment was adopted.

Why this should have been done will be a matter of astonishment to the people interested in and who understand the subject; and in fact I doubt not that many who aided in making this reduction would be unable to give any satisfactory reason therefor.

The great body of the public lands being now confined to the Rocky Mountain and Pacific coast regions, but few members of Congress are directly interested in them. The majority know little about them and their immediate and, as they believe, greater interests nearer home command their attention. Comparatively few Congressmen know

much about them and hence the system adopted sixty years ago is continued with little change, greatly to the injury of those sections where the public lands are found. I cannot but mention here the fact that the jealousy of the old States toward their younger sisters and the alarm at seeing the control pass gradually but surely from the East to the West adds perhaps to the trouble. But sooner or later, and the sooner the better, there must be a change in our system of management and disposition of the public lands.

I will now proceed to discuss the merits of the proposed amendment with the hope that I may secure attention and consideration.

The amendment which I offered to the bill provides for a reorganization of that branch of the public service relating to the surveys of the public lands by consolidating the offices of surveyors-general and thus providing for the unification of the work; it provides that the work be done by a wages system instead of by a contract system, it also provides that such engineering methods may be used as the Surveyor-General shall deem most economic and accurate, and still further that copies of plats and field-notes made by the surveyors shall be sent to each county in which the surveys are made. The amendment also provides for the consolidation of the land offices, so that there shall be but one for each State and Territory in which public lands are found, and lastly it provides the method by which people wishing to settle upon lands and obtain titles thereto from the Government may do so by resorting to the county seat of the county in which they reside, thereby saving the unnecessary expense and time involved in going to the office of the land district. The measure is based upon the theory that the management of the public domain will remain in the hands of the General Government. It would be the wiser plan to give the public lands to the several States in which they are found and permit each State to devise a land system appropriate to its peculiar conditions; but having no hope that a change so radical could be carried through Congress I presented this measure, as the first step in a much-needed reform.

The interests involved in our land system are of the greatest magnitude. The means by which the vast area yet remaining in the hands of the General Government shall be distributed among the people so that millions of homes may be established, is a question vying in importance with any subject that statesmen may have to consider. Reviewing the history of legislation on this subject for the past hundred years it is seen that one great principle has been established, the principle enunciated so clearly and forcibly by Missouri's great statesman, Thomas Benton, that the public lands shall be held as a heritage for poor men; that no grants of land in large tracts shall be made to individuals, however eminent their services, but that they shall be divided into small tracts and sold at minimum prices in order that the poorest man may thus be able to obtain a farm and a home. This sentiment has steadily grown in public favor until at last under the homestead laws the lands are held in reserve for actual settlers in small tracts and without price.

The wisdom and beneficence of this system all will concede. No change in its general policy is necessary, but a change in the methods by which the policy is carried out must be made. When the system was adopted the lands to which it was applied in the valley of the Mississippi were essentially homogeneous and all parts alike valuable for agricultural purposes. In a general way, so far as physical conditions were concerned, one quarter section of land was about as valuable as any other quarter section; but these lands have largely passed

from the control of the Government, and in the far West other physical conditions prevail. The region is not blessed with abundant rain-fall and agriculture largely depends upon irrigation. Great ranges of mountains stretch from north to south, and the valleys which can be redeemed by irrigation lie nestled among these ranges. Thus the agricultural lands lie low down along the streams whose waters can be taken out for their fertilization. On the mountains and high plateaus are found the forests, but these forest lands have no value for agricultural purposes; they are valuable only for the timber which they afford. There are vast areas of land to which the waters of the rivers cannot be taken and on which no forests grow. A large portion of these lands are valuable for grazing purposes only. The mountains themselves are filled with gold and silver and other valuable minerals, and the sterile crags are valuable for their mines. In the adoption of a proper land system to that country these physical conditions cannot be ignored. The fundamental principles of the land system for this country are well established, but the great need of the far West and of all the arid region of the United States is the modification of the methods by which these principles are applied to the problem.

Mr. Speaker, it is not my purpose here to discuss the whole range of this subject, the land system best adapted to the conditions of the far West, but simply to advocate the measure embraced in this amendment, which is but a stepping-stone to a new and better system.

The object of this measure is to provide a better and at the same time more economic survey of the public lands than that now in use. It is necessary to remark at the outset that the measure does not contemplate any change in existing laws which regulate the manner of parceling the public lands or which determine the rights or privileges of settlers. It simply affects the methods by which the surveys established by law and necessary to the public land system may be effected. The forms and sizes of the various divisions of public lands are already fixed by laws and no change in those laws is here proposed. It is proposed only to make changes in the methods of ascertaining and marking the boundaries which define them and of mapping and making these marks and bounds matters of record. The object of the change is, first, to do away with a defective, inadequate, and bad system by substituting an efficient, comprehensive, and more practical one; and, second, to reduce the cost of the work.

The present method is a radically bad one and unsuited to the wants of the country. It was devised for the great central and southern region of the United States and it was at that time, and for that region, perhaps the best that could have been adopted. Where the lands were homogeneous and valuable chiefly for agricultural purposes, perhaps no better method could have been devised than that of dividing and parceling the land into equal squares held at the same nominal value. The nature of the country rendered the methods of survey employed thoroughly practical and well enough adapted to meet the wants of settlers in dividing up in a rough way the different sections and indicating their corners and boundaries. But in the arid mountainous region of the West the case is totally different. These lands have the widest range of natural value—from the inestimable mines of Washoe to the worthless deserts of the Great Basin. In the central region the Government recognized with few exceptions but one class of lands—those for agricultural purposes. In the West there are four classes recognized by law: the agricultural, timber, coal, and mining lands. We may add a fifth which in point of area

far exceeds all the others united, namely, those which are either desert or fit only for pasturage. And yet for this vast region, so varied in its physical and economical features, the same system of surveying is used as that which was applied to the Mississippi Valley.

As might be expected, in passing from a flat, open country to one traversed by mountain ranges and gorges, the difficulties of surveying with the chain and transit enormously increase, while the accuracy and value of the work rapidly diminish. In the prairies the cost is moderate and the results good enough for the immediate purpose; in the mountains it is costly and of small value, accomplishing very imperfectly the purposes for which it is designed.

The true policy of the Government is to put our lands into the hands of actual settlers. And it should be remembered that the greater part of this region is of such a character that there is no probability that it will ever be taken up by settlers under laws now in force; and if it becomes private property, it will become so by the operation of laws not yet enacted. Common sense would plainly indicate that such lands do not require to be surveyed into townships, sections, and quarter sections, at enormous expense. Yet many thousands of square miles have been so surveyed, and frequently to the neglect of lands where the work might have been useful to the extent of permitting settlers to perfect their titles. Common sense would further indicate that only such lands as are liable to occupancy in the near future should be so divided up, and that the vast expanse of desert, plateau, and mountain—the sterile, unwatered, and useless regions—should be left until there is a prospect of turning them to some use.

The money which has been spent in running township and section lines over such districts is for the most part a total waste. You might as well mark off townships by buoys in Lake Superior or the Atlantic Ocean. Since the surveys have entered this region the money which has been expended in work which is of no value exceeds \$7,000,000. This great waste is the inevitable result of the present organization, or rather want of proper organization. We have sixteen local surveyors-general scattered through the States and Territories who let out by contract the surveying to deputy surveyors. These deputies receive a certain sum per mile for their work. Of course they select, so far as they have any choice, those localities where the work can be done at the smallest cost; and, where it is profitable, survey as much land as they are allowed to contract for. They have no interest in doing good and accurate work—no interest in so distributing their work that it shall meet the wants of settlers. Their only interest is to survey as many miles as possible in locations where it can be done at the maximum profit. The Government requires of them merely a perfunctory service which it gets and pays for.

There is one service which these surveys might perform, and which the law nominally requires them to perform, which would be of incalculable value to the West if the system were adequate. I refer to the surveys of mining districts. In the case of mines a survey is as necessary as in the case of farms. The location of a mine should be exact even to a few inches, but the law provides no way of making it so. On the contrary, to comply with the law involves the use of a method so inexact that it is practically worthless. Very few of the valuable mines of the West have escaped costly litigation and one of the commonest sources of such lawsuits is uncertainty of location and identification.

Questions involving location of mining claims turn in the courts



upon parol evidence, while the surveys are thrown out as valueless. Thus the most important industry of the region which ought to have the best of surveys is provided with the poorest. Mines are usually located in the mountains and where the chaining method gives the poorest possible results. There is, in short, no use for the present methods of surveys in the West except to the few and small detached tracts of agricultural lands which form but an insignificant part of the entire area.

The mining lands, timber lands, and pasturage lands should be surveyed by a different method, especially as some of the greatest interests of the country are in its mines, and the latter lands should be surveyed with the greatest accuracy. There is a very simple method of meeting the difficulty, a method by which a survey can be provided fulfilling every requirement of utility and accuracy, one which will do the things which ought to be done and leave undone the things which ought not to be done. All this may be accomplished by introducing a systematic trigonometrical survey. Such a work consists in determining the exact positions in terms of latitude and longitude of a large number of conspicuous points over the entire region or such portion of it as it may be desirable to survey. These points are separated from each other by intervals of from ten to forty miles, (or even greater ones,) and once determined each may be used as the starting point of the local survey and subdivisions of the entire tract or district within reach of the telescope.

The advantages of this method are so great that it will be possible to advert to only a few of them, and each one adverted to is, in my judgment, sufficient to warrant its adoption independently of the others. The first is its accuracy. Although it is not to be expected that members of Congress will understand this as fully as scientific specialists, yet it is doubtless well known to them that a most wonderful degree of accuracy may be attained by means of triangulation. It is probably well known to them also that the accuracy of measurement attained by our coast and lake surveys is among the wonders of modern science and skill. Indeed for a majority of the purposes connected with the sale of public lands and their settlement the highest accuracy which this method can yield is an unnecessary refinement. For marking off townships and homestead farms the people can get along with a much lower degree of accuracy than that attained by the Coast Survey. But an interior triangulation might have only one-fifth the accuracy of the Coast Survey and yet be ten times as accurate as the linear land surveys. But for surveying mines no degree of accuracy can be too great, and for this interest, which is certainly second to none in the West unless it be the agricultural, there is no other known method which has any practical value.

A second advantage of triangulation is its greater economy. It must be remembered that useful land in the West is but a small part of the whole and lies in detached tracts. Under the present system to connect these detached tracts with the general survey is a work of great difficulty and expense, because lines must be run over mountains and valleys, over plateaus and cañons, and must be marked and measured, and the work thus done is of the crudest and shabbiest description. But with a trigonometrical survey such lines may be run with ease at a very small expense and with an accuracy which makes the crudities of the linear method appear ridiculous. Once determined and recorded, the geodetic points thus established are immutable and easily identified. Instead of a charred stick thrust into the soil of a broad plain or on a hillside, where it must be searched for



carefully and where it rots in a few years, the geodetic stations are the most conspicuous points of the country; the summits of the mountains and hills, with durable monuments of stone, not likely to be disturbed by mischievous wanderers and under the protection of all the residents of the neighborhood, whose interests demand their preservation. A surveyor entering a detached area of land suitable for occupancy would not then be compelled to resort to a laborious and expensive process to determine his first corner or starting point, but with a geodetic station in sight could determine it in an hour with all satisfactory precision.

But the greatest economy would be effected by this method in limiting the divisional or sectional surveying to such lands as are fit only for occupancy and which offer a reasonable prospect of being occupied at some time in the near future. To sweep away the contract system and to vest the work in a surveyor-general will be to take away all inducement to useless surveying and to limit the application of money to the surveys actually required and needed. A large part of the present surveys is both useless and unnecessary. Another part is useless in a certain sense, but is necessary in order to connect the detached and habitable areas together. It is to do away altogether with those surveys which are both useless and unnecessary and to substitute an incomparably easier, cheaper, and more accurate and permanent method of making the necessary connections and fixing starting-points that this measure is proposed. The saving of money will be immense and is accompanied with an obvious assurance that the work will be better done and the money applied in the most efficient, economical, and useful manner.

A third advantage of a trigonometrical survey is its applicability to every purpose involving accurate determinations of fixed points over the face of the land; in short, for those purposes of information both general and specific which are fulfilled by maps of an accurate and reliable character. The uses of maps are so manifold that they defy enumeration. Geographical knowledge is essential not alone to travel and commerce, but to war, legislation, agriculture, mining, and geology, and either directly or indirectly to every art and science which contributes to the progress of civilization. So fully is this understood that the conduct of geographical explorations and surveys and the making of maps has been assumed by every civilized government as one of its functions. Not only has every great European nation in progress a careful, systematic, and scientific survey of its own domain, but most of them have extended the same system to their colonies. In our own country a comprehensive work has not yet been undertaken, though a beginning or rather a number of beginnings have been made to meet our most pressing needs, and there have grown up a number of independent organizations each of which is designed to accomplish some special work.

In the interest of navigation and commerce we have undertaken a careful delineation of our coasts. For the purpose of dividing up the land which remains in possession of the Government so that it can be transferred to private hands in proper amounts and with proper titles we have the land surveys. For the purpose of learning the character and resources of the unsettled portions of the West we have established the geological and geographical surveys. But among these various works there is no co-ordination or system. No step has yet been taken to bring these works into relation with each other. Whenever we are ready to plan broadly for such a systematic work all of the functions now discharged by these distinct organizations

will have to be brought into relations more or less intimate and perhaps consolidated. But for the present we are not under the necessity of considering such a contingency. Whether distinct or consolidated there is and can be no question that all have an equal interest in a systematic geographical survey resting upon a method of work which is substantially the same for all.

This measure proposes the abolition of sixteen surveyors-general and their offices and the consolidation of their functions in one office. A trigonometrical survey is a unified work for such portion of the country as may require it, and should be under the direction of one competent person. At present we have sixteen surveyors-general, whose various works have no connection; who are not necessarily, and in most cases are not in point of fact, acquainted with scientific surveying. They are merely administrative officers of the Government, who would have no definite nor important functions to perform if the contract system were swept away and the proposed system introduced.

The local surveys would be provided for in this bill by the surveyors appointed by the Surveyor-General on the score of qualification and competency. I estimate that the economy resulting from this change will amount to more than \$100,000, and perhaps reach \$150,000, for the fiscal year. The commissioner of public lands, who is deeply interested in all that appertains to the welfare of the service and the welfare of the far West, and who has a practical knowledge of the country and the details of the work, informs me that he believes there will be a saving of \$250,000 annually by consolidating the offices of the surveyors-general into one and the land offices in such a manner that there will be but one in each State. In his testimony before the Committee of Public Lands in relation to the land offices, he says:

Take California as a sample State. It has ten land offices, a larger number than any other State, and consequently has ten places where this proof could be made. If this bill were to pass this would provide for fifty-two places, as there happens to be fifty-two counties. It would multiply the facilities for making proof something over tenfold. There would be over ten times as many places where they could do every act that they now can do by going to the local land office. That is to say, a man who wants to make a homestead may do everything in the county where he lives, make his application and all his proof from there.

And he again states:

At this time we have a hundred land offices, and some of them will not average an entry a month. You are at the expense of paying registers and receivers, and whenever they have so little as that to do they do not attend to it very well; they do not post their books, and if these offices were consolidated it would, without changing the law, bring up the offices to a maximum business.

There is another provision in this measure which will be of great advantage to the people who are settling on the public lands. I refer to the provision under which the maps and field-notes of the surveys are to be furnished to the several counties or parishes wherein the surveys are conducted. By the present method these maps and field-notes are on file only in Washington, at the offices of the surveyors-general in the several States and Territories where these offices are now situated and at the offices of the registers and receivers of the land district; so that it is often necessary for persons who wish to obtain titles to lands on which they are settling to make long journeys in regions of country where travel is difficult because of its mountainous character for the purpose of obtaining the information necessary to obtain titles to their homes. This information should be on file in every country where the surveys are carried on.

Under the provisions of this measure the settlers on our public lands

will obtain relief from great burdens and expenses, and the facility with which they can obtain titles to their homes will be greatly increased.

And further, these plats and field-notes are of great value to every county in the administration of its local affairs, in determining the boundaries of its lands for purposes of taxation, and in many other ways. It places the original and primary records of the public lands in the several counties to which they belong, an object greatly needed.

The interests involved in this measure are of great magnitude. To complete the surveys of the public lands a large expenditure will be necessary in the coming years. Without additional cost the surveys can be made to serve all other economic purposes as well as that of parceling the public lands, and, at the same time, without additional cost, they may be made to serve the purposes of science much more thoroughly than any of the geographical surveys now made by parties engaged in the work. The question of importance is simply this: shall the land surveys now costing from eighteen to forty dollars per square mile be made to serve all the wants of the country, economic and scientific; or shall we go on permitting the several Departments of the Government to make surveys of the same territory over and over again by a variety of methods, none of them complete or thorough, the whole work done at enormous expense, to find at last that for the want of proper unification and the adoption of a thorough and wise system the work has been imperfectly and inaccurately done, a disgrace alike to the legislation and science of the country.

But there are other and larger interests involved in this measure. In all the western portion of the United States, embracing nearly half of its area, climatic and geographical conditions prevail totally different from those of the eastern country. Buried in the rocks and sands of that mountain region is the gold and silver wealth of the land. Iron, coal, lead, and many other minerals are abundant. The first and chief inducement to the settlement of the country was its great mines. It is a land of great aridity. Under this climatic condition its forests are on the mountains and highlands. Its agriculture depends largely on irrigation and hence its agricultural lands lie low down along the streams. Broad stretches of land have no value for timber and no value for agriculture because they cannot be redeemed by irrigation; but such lands bear nutritious though scant grasses. Here flocks and herds may be raised in vast numbers, and the great want of that western country is a system of survey which will properly discriminate all the different classes of lands, giving their extent and characteristics as a basis for intelligent legislation. It is a question of homes for the people. It is a question deeply affecting all the industrial interests of the country—its mining enterprises, its timber enterprises, and its agricultural enterprises. The present system of surveys hinders the progress of the country and is a bar to its prosperity. Our land system was devised for a humid region where all the land alike was valuable for agricultural purposes, but this system, wise and beneficent for the eastern region, is unwise and disastrous for the western region, and it must sooner or later be changed. The first step in that change is the measure embraced in this amendment reorganizing that branch of the public service relating to the land surveys. This proposition is fundamental to the establishment of a proper land system for all the great Rocky Mountain and far West region.

The economy to the Government of consolidating sixteen offices into one, and saving thereby more than \$100,000 annually, as this measure

surely will do, is a matter of importance not to be overlooked. A still further economy will result by preventing the running of a larger number of unnecessary lines. I have the evidence to show that not less than \$7,000,000 have been wasted in running lines that will never be of any practical value to the people—made in subdividing into comparatively small lots pasturage lands which are of no value except in large quantities. This waste is so enormous as to deserve our prompt and serious attention, and imperatively demands a reorganization of this branch of the service.

But, Mr. Speaker, these economic considerations relating to the number of officers to be employed and the cost of running lines sink into insignificance when compared to the importance of a proper land system which shall be adapted to the wants of the people and the physical conditions under which that great western country, the land of gold and silver, the land of giant forests, the land of vineyards and wheat-fields, shall be made the home of a numerous and prosperous people.







